

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND TABLE OF CONTENTS, ARTICLE 3, DEFINITIONS,
ARTICLE 12, SANDY SPRINGS OVERLAY DISTRICTS, AND ARTICLE 28,
REZONING AND OTHER AMENDMENT PROCEDURES, OF THE SANDY SPRINGS
ZONING ORDINANCE**

WHEREAS, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of the Code to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the City Council has determined that in order to streamline current processes, while maintaining public oversight of development in the Sandy Springs Overlay District, the Sandy Springs Design Review Board function shall be transferred to the Sandy Springs Planning Commission; and

WHEREAS, the City Council finds that updates are necessary to the existing development and design standards and uses associated with the Sandy Springs Overlay Districts to reflect the desires of the community; and

NOW, THEREFORE, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt the following Ordinance:

1.

Table of Contents Section Article XXIIB of the Sandy Springs Zoning Ordinance is hereby amended and shall read as follows:

THE CITY OF SANDY SPRINGS ZONING ORDINANCE

TABLE OF CONTENTS

Article XIIB. Sandy Springs Zoning Overlay District

- 12B.1. Purpose and intent.
- 12B.2. Review process.
- 12B.3. Planning Commission Review
- 12B.4. Streetscape standards.
- 12B.5. Site development standards.
- 12B.6. Sign standards.
- 12B.7. Prohibited uses.
- 12B.8. Main Street District standards.

2.

Article 3, *Definitions*, of the Sandy Springs Zoning Ordinance is hereby amended and shall read as follows:

ARTICLE III

DEFINITIONS

3.1. SCOPE.

Words not defined herein shall be construed to have the meaning given by Merriam-Webster's Collegiate Dictionary, eleventh edition.

3.2. USE AND INTERPRETATION.

The following shall apply to the use of all words in this Ordinance:

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular shall include the plural and vice versa.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The nouns "zoning district," "zone," "use district" and "district" have the same meaning and refer to the zoning districts established by this Ordinance.
- F. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for".
- G. None of the definitions contained herein shall be construed to permit any act that is in violation of any City, county, state or federal law.

3.3. DEFINITIONS

3.3.1. A

Accessory Display. An exhibit component separate from a building that is used for identification and display of merchandise which is being offered for sale on-premise.

Accessory Site Feature. Any mechanical, electrical and ancillary equipment, cooling tower, mechanical penthouse, heating and air conditioning unit and/or pad, exterior ladder, storage tank, processing equipment, service yard, storage yard, exterior work area, loading dock, maintenance area, dumpster, recycling bin, and any other equipment, structure or storage area located on a roof, ground or building.

Adjoin. To have a common border with. "Adjoin" may also mean coterminous, contiguous, abutting and adjacent.

Adult Bookstore. A commercial establishment or facility in the City that maintains twenty five percent (25%) or more of its floor area for the display, sale, and/or rental of the following items (aisles and walkways used to access these items shall be included in floor area maintained for the display, sale, and/or rental of the items):

- A. books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, CDs, DVDs or other video reproductions, or slides or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, as defined herein; or
- B. instruments, devices, novelties, toys or other paraphernalia that are designed for use in connection with specified sexual activities as defined herein or otherwise emulate, simulate, or represent specified anatomical areas as defined herein.

Adult Entertainment. Live conduct characterized by the display of specified anatomical areas.

Adult Entertainment Establishment. Any establishment or facility in the City where adult entertainment is regularly sponsored, allowed, presented, sold, or offered to the public.

Adult Establishment. Any adult bookstore, adult entertainment establishment, adult motion picture theater, or adult motion picture arcade.

Adult Motion Picture Arcade. A commercial establishment to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis upon matter displaying specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater. A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five (5) persons for any form of consideration.

Amphitheater. A structure having tiers of seats rising gradually outward from a central open space or arena.

Antenna. Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves. The term "antenna" shall include both the electronic system and any structures it is affixed to for primary support.

Antenna, Alternative Support Structure. Clock towers, campaniles, free standing steeples, light structures and other alternative designed support structures that camouflage or conceal antennas as an architectural or natural feature (not to include man made trees).

Antenna, Amateur Radio. A radio communication facility that is an accessory structure to a single family dwelling unit operated for non-commercial purposes by a Federal Communication Commission licensed amateur radio operator.

Antenna Array. A single set or group of Antennas and associated mounting hardware, transmission lines or other appurtenances which share a common attachment device such as a mounting frame or mounting support.

Apartment. A building which contains three (3) or more dwelling units either attached to the side, above or below another dwelling unit. Apartment may also refer to a dwelling unit attached to a non-residential building. (See Dwelling, Multifamily)

Appeal. A request for relief from a decision made pursuant to this Ordinance by the Director, other department directors, the Board of Appeals, and/or the City Council.

Appearance. The outward aspect of a structure or landscape design that is visible to the public.

Applicable Wall Area. The wall on which a wall sign is attached including all walls and windows that have the same street or pedestrian orientation. All open air spaces shall be excluded from the applicable wall area.

Applicant. A person or entity submitting an application for a Wireless Telecommunications Structure, including the Property Owner, Antenna support Structure Owner, and any proposed tenants for the Structure.

Appropriate. Fitting to the context of a site, neighborhood or community.

Archeologist. Any person who is a member of or meets the criteria for membership in the Society of Professional Archaeologists and can demonstrate experience in the excavation and interpretation of human graves.

Architectural Concept. The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.

Architectural Feature. A balcony, canopy, column, door, eave, roof, soffit, window, wing wall or similar three-dimensional exterior element of a building or structure that lends to the overall exterior form, context and appearance of a building or structure.

Attic. An unheated room or space in a building located immediately below the roof.

Automotive Garage. A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles or other motor vehicles, heavy trucks, and equipment. This use is also for other automotive repairs and services including major overhauls, to include paint and body shops. The outside storage of unlicensed and unregistered vehicles, heavy trucks, and equipment is prohibited as part of this use.

Automotive Specialty Shop. A use which provides one (1) or more specialized repair sales and/or maintenance functions such as the sale, replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, instruments (such as speedometers and tachometers), radios and sound systems or upholstery for passenger cars, vans, and light trucks only. No use authorized herein shall permit any private or commercial activity which involves auto/truck leasing, painting, repair or alteration of the auto body, nor shall any repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or cooling system be permitted, except that minor tune-up involving the changing of spark plugs, points or condenser, including engine block oil changes, are permitted.

3.3.2.

B

Babysitting. A service in which shelter, care, and supervision are provided for four (4) or fewer children below the age of twelve (12) on an irregular basis.

Banner. Any sign of lightweight fabric or similar material that is either with frame or without frame and hung or mounted to a pole, building or other background by one or more edges. Flags are not considered banners.

Basement/Cellar. A level below a floor of a building with a minimum of one-half (1/2) of the total wall area below grade. A basement is not a story.

Beacon. Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also any light with one (1) or more beams that rotate or move.

Bed and Breakfast Inn. A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where guest rooms are made available for visitors for fewer than thirty (30) consecutive days. Breakfast is the only meal served to paying guests and is included in the charge for the room.

Berm. A planted earthen mound.

Bike Path. A path which serves to separate bicycle riders from vehicle and pedestrian traffic. Bike paths can meander through wooded areas, traverse the edge of open space, and may parallel existing roadways or paths.

Board of Appeals or BOA. An advisory board created pursuant to this Ordinance which consists of seven (7) members appointed by the City Council with the powers authorized by this Ordinance.

Boarding House. A residential use other than a hotel or motel in which lodging is provided to non-household members and which includes the provision of meals.

Brewpub. An accessory use to a permitted restaurant where distilled spirits, malt beverages or wines are licensed to sell and where beer or malt beverages are manufactured or brewed for consumption on the premises and solely in draft form.

Buffer/Zoning Buffer. A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. A zoning buffer is achieved with natural vegetation and must be replanted subject to the approval of the Director when sparsely vegetated. Clearing of undergrowth from a zoning buffer is prohibited except when approved by the Director.

Buildable Area. That portion of a parcel which is not located in a minimum setback, utility corridor, driveway, slopes to build street, tree save area, landscape strip, specimen tree area, state water buffer, tributary buffer, zoning buffer, wetland, stormwater and sanitary sewer easement, and which contains sufficient square footage to meet the minimum requirements for building area required by the appropriate zoning district.

Building. Any structure with a roof, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building Line. A building line is one which is no closer to a property line than the minimum yard requirements.

Burial Ground. An area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

Burial Object. Any item reasonably believed to have been intentionally placed with the human remains at the time of burial or interment or any memorial, tombstone, grave marker, or shrine which may have been added subsequent to interment. "Burial object" also means any inscribed or uninscribed marker, coping, curbing, enclosure, fencing, pavement, shelter, wall, stoneware, pottery, or other grave object erected or deposited incident to or subsequent to interment.

Business. A commercial or industrial enterprise, and those who constitute it, involving retailing, wholesaling, warehousing, outside storage, manufacturing or the delivery of services regardless of whether payment is involved. The term "business" does not include uses which are customarily incidental (accessory) to another use.

3.3.3.

C

Canopy. A roof-like cover, excluding carports, that either projects from the wall of a building or is freestanding.

Car Wash. A business, place or structure equipped by either an attached or detached bay for the purpose of cleaning motor vehicles.

Cemetery/Mausoleum. Any land or structure in the City dedicated to and used for interment of human or pet remains. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for storing urns containing human remains, or a combination of one or more thereof.

Certificate of Occupancy/CO. A document issued by the Director certifying all building and site requirements are in compliance with the Code and other applicable ordinances and laws, and indicating it to be in a condition suitable for occupancy.

Check Cashing Establishment. An individual, partnership, association, or corporation engaged in cashing checks, money orders, or other drafts for a fee. Such fee may be payable in cash, in the form of exchange of value in excess of regular retail value, in the form of mandatory purchase of goods or services by patrons, or in the form of the purchase of catalog items or coupons or other items indicating the ability to receive goods, services, or catalog items.

Church, Temple or Place of Worship. A facility in which persons regularly assemble for religious ceremonies. This shall include, on the same lot, accessory structures and uses such as minister's and caretaker's residences, and others uses identified under the provisions for Administrative and Use Permits.

City. The City of Sandy Springs, Georgia.

City Arborist. The agent(s) of the City having the primary responsibilities of administration and enforcement of the Tree Conservation Ordinance.

City Council. The City Council of the City.

Clinic. A use in which medical, dental and other health care services are administered to persons on an outpatient basis. No patient shall be lodged in a clinic on an overnight basis.

Classroom, Temporary. A structure installed on the grounds of a school on a temporary basis to provide additional classroom space.

Club. A non-profit social, educational or recreational use normally involving community centers, public swimming pools and/or recreational courts, civic clubhouses, lodge halls, fraternal organizations, country clubs and similar facilities.

Club, Country. A social and recreational facility that is usually private or semi-private. A private country club would only be open to members or guests who are accompanied by members. A semi-private country club would allow some access to non-members. In addition to a golf course, a typical country club might also have a restaurant or social club and tennis and swim facilities.

Club, Neighborhood. Any club operated for recreation and social purposes solely by the residents of a specific neighborhood or community.

Code. The Code of Ordinances of the City.

Cohesiveness. Unity of composition among elements of a structure or among structures, and their landscape development.

Co-Location. A situation in which two (2) or more wireless personal service providers place a wireless telecommunications Antenna or Antennas and feed lines on a common Antenna support Structure or other Structure on which there is an existing Antenna Array.

Colleges/Universities. Any educational facility operated by a private organization or local, county or state that provides training or education beyond and in addition to that training received in grades kindergarten to twelfth, including but not limited to, trade, business and vocational schools; any institution of higher learning, consisting of an assemblage of colleges united under one corporate organization or government, affording instruction in the arts and sciences and the learned professions, and conferring degrees.

Columbarium. A structure or building which is substantially exposed above the ground and which is intended to be used for the inurnment of cremated human remains.

Commercial Amusement/Indoor. A use in which recreational activity including, but not limited to, movie theaters, arcades, billiards, game rooms and sporting activities, are conducted within a building.

Commercial Amusement/Outdoor. A use in which recreational activities including, but not limited to, amusement parks, bungee jumping parks, skateboard parks, ski slopes, skating rinks, batting cages, miniature golf and drive-in theaters, are conducted outside a building.

Community Improvement District (CID). A self-taxing improvement district identified and adopted by the City Council as permitted under Georgia law for a geographic area as specified by the City for the indicated purposes.

Community/Neighborhood Center. A structure, either publicly or privately owned and operated, that provides social and/or recreational activities and programs within the location. The community or neighborhood center may provide space to congregate for meetings, after school programs or other services intended for residents of the community and their families. A community or neighborhood center may provide social services but may not provide sleeping facilities or residential accommodations as a component of the services provided.

Composting. A processing operation for the treatment of vegetative matter into humus-like material that can be recycled as a soil fertilizer amendment such as trees, leaves and plant material. Organic animal waste, food, municipal sludge, solid waste, and other non-farm or vegetative type wastes are not included.

Comprehensive Plan. A twenty (20) year plan by the City summarizing and illustrating the adopted goals as a guide for the City regarding the future location and character of anticipated land uses, transportation, and other public facilities in the City, as approved by the Georgia Department of Community Affairs. The term "comprehensive plan" includes component or functional plans for the City including, but not limited to, a plan for use (i.e., land use plan) or a plan for transportation facilities, and includes the classification of streets and thoroughfares as shown on the adopted long range road classification map. The comprehensive plan is prepared pursuant to local planning requirements for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Georgia Department of Community Affairs in accordance with O.C.G.A. §§ 50-8-7.1(b) and 50-8-7.2.

Concealed. A Wireless Telecommunications Structure that is disguised, hidden, part of an existing or proposed Structure or placed within an existing or proposed Structure, to include Antennas, Accessory Structures, and utilities.

Construction Material. Building materials and rubble resulting from construction, remodeling, repair, and/or demolition operations on pavements, houses, commercial buildings and other structures. Such materials include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

Convenience Store. A use offering a limited variety of groceries household goods, and personal care items, always in association with the dispensing of motor fuels as an accessory use, but in all cases excluding motor vehicle service, maintenance and repair.

Convenient Location and Time. Suitable time and easily accessible place for applicants to meet with interested parties to discuss rezoning and/or use permit petitions.

Country Inn. A facility, with the owner or innkeepers residing on the premises, where guest rooms are made available for visitors for fewer than thirty (30) consecutive days. A country inn is distinguished from a bed and breakfast inn in that it serves both breakfast and lunch or dinner.

Courtyard. An open air area, other than a yard, that is bounded by the walls of a building. Courtyards are used primarily for supplying pedestrian access, light, and air to the abutting building(s). Site furniture, lighting and landscaping are appropriate for courtyards. Vehicular access is allowed for unloading and loading only. No vehicular parking or vehicular storage is allowed.

Coverage. The geographic area reached by an individual Wireless Telecommunications Structure installation.

Crematorium. A facility for the reduction of human or pet remains to ashes by incineration.

Curb Cut. A connection between a roadway and a property for vehicular access. Curb cut applies to access regardless of the existence of curbing.

Customer Meter. The device used on utility mains to measure the transfer of gas, water or electricity from an operator to a customer.

Cutoff. A luminaire light distribution where the emission does not exceed two and one-half percent (2.5%) of the lamp lumens at an angle of ninety (90) degrees above nadir and does not exceed ten (10) percent at a vertical angle of eighty (80) degrees above nadir.

Cutoff, Full. A luminaire light distribution where zero (0) emission occurs at all angles of ninety (90) degrees or greater above NADIR, and the emission does not exceed ten (10) percent of total lamp lumens at a vertical angle of eighty (80) degrees above NADIR.

3.3.4.

D

Day Care Facility. A use in which shelter, care, and supervision for seven (7) or more children or adults on a regular basis away from their residence for less than twenty-four (24) hours a day. A day care facility may provide basic educational instruction. The term shall include, but not be limited to, nursery school, kindergarten, early learning center, play school, pre-school, family day care home and group day care home.

Day-Night Average Sound Level (DNL). The day-night average sound level (DNL) is the twenty-four (24) hour average sound level, in decibels, obtained from the accumulation of all events with the addition of ten (10) decibels to sound levels in the night from 10:00 P.M. to 7:00 A.M. The weighing of nighttime events accounts for the usual increased interfering effects of noise during the night, when ambient levels are lower and people are trying to sleep. DNL is a weighted average measured in decibels (db).

Deck. A structure abutting a dwelling with no roof or walls except for visual partitions and railings not to exceed forty-two (42) inches above finished floor which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Department. Department of Community Development for the City.

Designation/Designated. A decision by the City Council wherein a property or district is declared an overlay district.

Development. All activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of land. Such activities include land disturbance activity and the construction of improvements including, but not limited to, streets, driveways or parking areas, water or sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed on or in the property. Where appropriate to the context, the term "development" also may be used

to denote a specific subdivision or project which is a single entity or intended to be constructed as an interrelated whole, whether simultaneously or in phases.

Development, Duplex. A development of duplex dwelling units.

Development, Multifamily. A development of multifamily dwelling units on a single lot-of-record.

Development of Regional Impact (DRI) Study. A review by the Atlanta Regional Commission and the Georgia Regional Transportation Authority of large scale projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which each project will be located.

Development Permit Standards. Requirements established for each administrative and use permit including, but not limited to, setbacks, access, landscape and buffer areas and hours of operation.

Development, Single Family. A development of single family dwelling units, with each dwelling unit including accessory structures, on a separate lot-of-record.

Development Standards. Dimensional measurements as specified in zoning districts relating to such standards as yard setbacks, lot area, lot frontage, lot width, height and floor area.

Development, Townhouse. A development of townhouse dwelling units.

Director. Director of the Department or his/her designee, except where specifically noted otherwise.

Distribution Line. A pipeline other than a gathering or transmission line.

District, Historic. A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, Buildings, Structures, or objects united by past events or aesthetically by plan or physical development. Historic District may also comprise individual elements separated geographically but linked by association or history.

District, Nonresidential. A term used to identify all zoning districts except single family dwelling districts, all apartment districts, R-6, TR, MHP and residential portions of a CUP or AG-1.

District, Residential. A term which applies to all single family dwelling districts, all apartment districts, R-6, TR, MHP and residential portions of a CUP or AG-1.

Drainage Facility. A facility which provides for the collection, removal and detention of surface water or groundwater from land by drains, water course or other means.

Driveway. A vehicular access way in private ownership, other than a private street, which provides access primarily to only one (1) property, or to no more than three (3) single family dwelling units.

Dry Cleaner. A business use which involves the process of removing dirt, grease, paint and other stains from wearing apparel, textiles, fabrics, rugs, and similar materials by one (1) or more of the following methods:

- A. Immersion and agitation in a liquid solvent in open vessels.
- B. Immersion and agitation in a liquid solvent in closed machines.

- C. Spotting of local applications of liquid solvents and other cleansing preparations to spots of dirt, grease, paints, and stains not removed by immersion and agitation processes.

Dwelling/Dwelling Unit. One (1) or more rooms of a building or portion thereof constructed with cooking, sleeping and sanitary facilities designed for and limited to use as living quarters for one (1) family for periods of more than thirty (30) consecutive days.

Dwelling Unit, Duplex. A building containing two (2) single family dwelling units, totally separated from each other by one (1) dividing partition common to each unit, and contained entirely under one (1) roof and designed for or occupied by two (2) single families. Both dwelling units of a duplex dwelling unit are together considered as one (1) building on a single lot.

Dwelling Unit, Multifamily. A structure containing three (3) or more dwelling units not including townhouses.

Dwelling Unit, Single Family. One (1) dwelling unit that is not attached to any other dwelling unit by any means.

Dwelling Unit, Townhouse. A dwelling unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

3.3.5.

E

Easement. Recorded authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity.

Environmentally Adverse. Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in Executive Order 12898 of February 11, 1994 regarding federal actions to address environmental justice.

Environmentally Stressed Community. A community exposed to a minimum of two (2) environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

Exterior Architectural Features. The architectural style, general design and general arrangement of the exterior of a structure and site including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs, facade, landscaping and other architectural fixtures, features, details, or elements relative thereto.

External Design Feature. The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

3.3.6.

F

F.A.A. The Federal Aviation Administration.

F.C.C. The Federal Communications Commission.

Family. Family means one (1) or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to four (4) unrelated persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a rooming, boarding or lodging house, or a hotel.

Family Day Care Home. A private residence operated by any person who receives therein for pay for supervision and care fewer than twenty-four (24) hours per day, without transfer of legal custody, at least three (3) but not more than six (6) children under eighteen (18) years of age who are not related to such person and whose parents or guardians are not residents in the same private residence.

Farm. A parcel of land which is used for the raising of animals (including fish) on a commercial basis including, but not limited to ranching, dairy farming, piggeries, poultry farming and fish farming; a facility for the business of boarding or renting horses to the public; or a site used for the raising or harvesting of agricultural crops such as wheat, field forage and other plant crops intended for food or fiber.

Fence/Fencing. Any artificially constructed, vertical structure of any material or combination of materials, that may include a gate that is part of the structure, that is designed to enclose land, divide land, mark a boundary, limit access to or direct passage across land, screen structures or land, protect against a potential hazard, or serve a decorative purpose.

Financial Institution/Establishment. Any institution that collects money and puts it into assets such as stocks, bonds, bank deposits, or loans.

Flag. Any fabric or bunting containing colors, patterns, or symbols used as a symbol or a government or other entity or organization.

Flag Lot. A lot where frontage to a public street is provided via a narrow strip of land forming a pole or stem to the buildable portion of the lot.

Floor Area/Floor Area, Gross. The sum of all floors of a structure as measured to the outside surfaces of exterior walls or the center of connected or common walls, including common public areas, such as lobbies, restrooms and hallways, spaces devoted exclusively to permanent mechanical systems, permanent storage areas, stairwells, elevator shafts, but excluding internal parking and loading areas, attics, porches, balconies and other areas outside of the exterior walls of the building. Gross floor area is used to determine the building sizes for all but single family dwellings and to determine required parking when floor area is the designated measure for a use.

Floor Area, Ground. The heated floor area of the first story of a building above a basement or, if no basement, the lowest story.

Floor Area, Heated. The sum of all heated areas of a dwelling or dwelling unit, as appropriate, measured to the inside surfaces of exterior walls, excluding porches, balconies, attics, basements (finished or unfinished), garages, patios and decks.

Floor Area, Net. The sum of all floors of a structure as measured to the outside surfaces of exterior walls, excluding halls, stairways, elevator shafts, attached and detached garages, porches, balconies, attics with less than seven (7) feet of headroom, basements, patios and decks are excluded.

Floor Area, Net Leasable. Gross floor area less the common public areas.

Fuel Oil. A liquid petroleum product that is burned in a furnace for the generation of heat or used in an engine for the generation of power. The oil may be a distilled fraction of petroleum, a residuum from refinery operations, a crude petroleum, or a blend of two (2) or more of these.

Fulton County Health Department. The Environmental Health Services Division of the Georgia Department of Human Resources for Fulton County, Georgia.

3.3.7.

G

Garden Center. A business in which the primary operation is the sale of seeds and organic and inorganic materials, including but not limited to trees, shrubs, flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic products for landscaping purposes, and other limited retail accessory products for gardening and/or landscaping.

Gathering Line. A pipeline that transports fuel oil/liquid petroleum product from a current production facility to a transmission line or main.

Geographic Area. A demarcated area of land in the City. In the context of the overlay district regulations, "geographic area" refers to the land area subject to overlay district regulations.

Geographic Search Area. An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Golf Course. A use of land for playing the game of golf. The term shall not include miniature golf, but may include a country club and a driving range as an accessory use.

Governmental Facility. A building or institution provided by the government to care for a specified need, such as a courthouse or county jail.

Grade. The average elevation of the finished surface of the ground adjacent to all sides of any structure.

Green Space. The portions of a property remaining or resulting as vegetated areas comprised largely of natural materials, free of manufactured or man-made materials. "Green space" includes buffers, landscape strips, landscape islands, parks, wooded areas, trails, paths and other similar features. Both naturally passive and manicured areas may be considered green space. While trails, pathways, playgrounds and other areas "paved" with porous material may be counted as green space, the ideal medium would be mulch or some other naturally occurring material. Structures and other impervious features with continuous footprints or impervious shadows of thirty (30) square feet or less may be counted towards the green space total for a site.

Group Day Care Home. Any place operated by any person or group wherein are received for pay not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for care and supervision for less than twenty-four (24) hours per day.

Group Residence for Children. A dwelling unit or facility in which full time residential care is provided for children under the age of seventeen (17) as a single housekeeping unit. A group residence must comply with applicable federal, state and local licensing requirements. A group residence may not serve the purpose of, or as an alternative to, incarceration.

Group Residence/Shelter. A state licensed twenty-four (24) hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this Ordinance, group residence/shelter shall not include those facilities which exclusively care for children under the age of seventeen (17).

Guest House. A detached accessory dwelling unit located on the same lot with a single family dwelling unit. A guest house may be only used by relatives, guests or employees that work on the property without payment for rent.

Guy Tower. A Tower supported, in whole or in part, by guy wires and ground anchors.

3.3.8.

H

Hardship. The existence of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular property, because of which the property cannot be developed in strict conformity with the provisions of the Zoning Ordinance.

Height, Building. See Sec. 105-19, *State minimum standards adopted*, in the Code of the City of Sandy Springs, which adopts the State building code (O.C.G.A. § 8-2-20, et seq.).

Height, Fence or Wall. The vertical distance between the finished grade at the base of the fence or wall and the top edge of the fence or wall material at any point.

Height, Structure. The distance measured vertically from the average ground elevation adjacent to the Structure being measured to the highest point when positioned for operation. The Structure Height of a Tower includes the Structure Height of any Antenna positioned for operation attached to the highest point on the Tower.

Historic Period Lighting. Commercial lighting with an architectural design from the late nineteenth (19th) and early twentieth (20th) centuries.

Holiday. The following days of the year: New Year's Day, Memorial Day, Martin Luther King Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Home Occupation. An accessory use of a dwelling unit for business, operated by members of the resident family only.

Home Schooling. The practice of teaching one's own children at home in accordance with the provisions of O.C.G.A. §§ 20-2-690 and 20-2-690.1.

Hoop Stress. A causation of internal and external pressure loading on a pipe or cylindrically shaped part.

Hospice. A public agency or private organization or unit of either providing to persons terminally ill and to their families, regardless of ability to pay, a centrally administered and autonomous continuum of palliative and supportive care, directed and coordinated by the hospice care team primarily in the patient's home but also on an outpatient and short-term inpatient basis and which is classified as hospice by the Georgia Department of Community Health. In addition, such public agency or private organization or unit of either may also provide palliative care to persons with advanced and progressive diseases and to their families, directed and coordinated by the hospice care team.

Hospice Care. Both regularly scheduled care and care available on a twenty-four (24) hour on-call basis, consisting of medical, nursing, social, spiritual, volunteer, and bereavement services substantially all of which are provided to the patient and to the patient's family regardless of ability to pay under a written care plan established and periodically reviewed by the patient's attending physician, by the medical director of the hospice program, and by the hospice care team.

Hospice Care Team. An interdisciplinary working unit composed of members of the various helping professions (who may donate their professional services), including but not limited to: a physician licensed or authorized to practice in Georgia, a registered professional nurse, a social worker, a member of the clergy or other counselor, and volunteers who provide hospice care.

Hospital. An institution classified and having a permit as a hospital from the Georgia Department of Community Health pursuant to the O.C.G.A. and the rules and regulations of the Georgia Department of Community Health.

Hotel/Motel. A building in which lodging and/or boarding is provided for fewer than thirty (30) days. The term may include a restaurant in conjunction therewith and may also mean tourist court, motor lodge and inn.

Hotel, Apartment. A use which provides individual units including cooking facilities, which are used for temporary lodging to persons not related to the owner for fewer than thirty (30) days.

3.3.9.

I

IESNA. Illuminating Engineering Society of North America. The recognized technical authority on illumination, founded in 1906. The IESNA publishes standard practices which provide guidelines for outdoor lighting.

Illumination/Direct/Indirect. To provide or brighten with light. Direct illumination is illumination which is projected from within an object including, but not limited to, a sign or a building. Indirect illumination is illumination which is projected onto an object including, but not limited to, a sign or a building.

Impervious Surface. Any paved, hardened or structural surface including, but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways, and other structures.

Improvement Setback. An area adjacent to a zoning buffer in which no improvements and/or structures shall be constructed. No development activity such as tree removal, stump removal or grinding, land disturbance or grading is permitted in an improvement setback without the approval of the Director.

Institutional Use. A use which includes schools, colleges, vocational schools, hospitals, places of worship, asylums, museums, and other similar uses or facilities.

International Building Code. A model building code developed by the International Code Council and incorporated by the City into Section 105-19 of the Code, pursuant to which the City adopts the minimum standards of the State of Georgia as set forth in O.C.G.A. § 8-2-20, et seq.

International Property Maintenance Code. A model property maintenance code developed by the International Code Council and incorporated by the City into Section 105-20 of the Code, pursuant to which the City adopts the minimum standards of the State of Georgia as set forth in O.C.G.A. § 8-2-20, et seq.

3.3.10. J

3.3.11. K

Kennel. A use for the shelter of domestic animals where the shelter of these animals involves an exchange of revenue in which a business license is required. If the kennel is a non-business operation, its use may be certified by the Fulton County Animal Control Office.

3.3.12. L

Lamp. The component of an outdoor luminaire that produces light.

Land Development Regulations. The latest revision of the ordinance adopted by the City for the development of lands within the City.

Land Disturbance Permit. Any permit issued by the City that authorizes land disturbing activities on a site or portion of a site.

Land Disturbing Activity. Any activity which may result in soil erosion from water or wind and movement of sediments into state water or onto lands within the State of Georgia including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as described in the City's Soil Erosion and Sedimentation Control Ordinance.

Land Use Petition. Rezoning petition, use permit request and/or concurrent variance requests.

Landfill, Inert Waste Disposal. A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trimmings, stumps, limbs and leaves. This definition excludes industrial and demolition waste not specifically listed above. Refer to the rules concerning Solid Waste Management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended, for further definitions.

Landfill, Solid Waste Disposal. A disposal facility where any amount of solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous wastes, is disposed of by means of placing an approved cover thereon. Refer to the rules concerning Solid Waste Management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended, for further definitions.

Landscape. Plant materials, topography and other physical elements combined in relation to one another and to structures including pavement.

Landscape Island. Cutouts in impervious surfaces required by this Ordinance or by conditions of zoning primarily intended to be spaces for landscaping to provide visual relief from large expanses of impervious surface and contribute to the overall appearance, safety, and desirability of the City.

Landscape Strip. An area required by this Ordinance or by conditions of zoning which is reserved for the installation and/or maintenance of plant materials.

Landscaping Business. A business in which the primary operation is the sale and/or storage of organic and inorganic materials, plants, mulch, pine straw, and other limited related accessory products for the landscape industry and the storage and use of associated landscape vehicles.

Laundry. A business in which the primary operation is the drop off or self-service of the washing and/or ironing of clothing, household linens, or other goods appropriate to be laundered, but excludes dry cleaners.

Lawful Use. Any use of lots or structures which is not in violation of any existing federal, state or local law, statute, regulation or ordinance.

Library. A place set apart to contain books and other literary material for reading, study, or reference, for use by members of a society or the general public.

Light, Direct. Light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Light, Flood or Spot. Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Light, Fully-Shielded. Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Light, Indirect. Direct light that has been reflected or has scattered off other surfaces.

Light Trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Loading Space. An area within the main building or on the same lot, which provides for the loading or unloading of goods and equipment from delivery motor vehicles.

Lodge/Retreat/Campground. A facility which provides space, food and/or lodging facilities for social, educational or recreational purposes.

Lot/Parcel. The basic lawful unit of land, identifiable by a single deed established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon. In determining the area and dimensions of a lot, no part of the right-of-way of a road or crosswalk may be included.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

Lot, Double/Multiple Frontage. A lot other than a corner lot abutting upon two (2) or more streets that may or may not intersect at that lot.

Lot, Minimum. The smallest permissible lot area established by the Zoning Ordinance or conditions of zoning.

Lot Frontage. The shortest property line adjoining a street or, for lots requiring no street frontage, oriented toward a street. A property line adjoining a stub street shall not be considered as frontage unless it is proposed for access or is the only street frontage. Front yard requirements shall be measured from this property line. In situations where a multiple frontage lot has equal distance on street frontages, the Director shall determine the legal lot frontage.

Lot Line, Front. A lot line which extends the entire length of an abutting street from intersecting property line to intersecting property line. The front lot line of a corner lot abuts the street which adjoins the lot for the shortest distance.

Lot Line, Rear. Generally, the rear lot line is the lot line opposite and most distant from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and the most distant from the front lot line, not less than twenty (20) feet long, and wholly within the lot. True triangular lots do not have rear lot lines. Lots with more than one (1) front lot line do not have rear lot lines. The Director shall make the final determination of rear lot lines when in dispute or undefined by this definition.

Lot Line, Side. A lot line which is not a rear or front lot line.

Lot Line/Property Line. A line established through recordation of an approved plat or, for commercial property, a deed in the absence of a platting requirement, which separates a lot from another lot, or a lot from a right-of-way.

Lot-of-Record. A lot which appears on a plat or, for commercial property, a deed and/or plat recorded in the official records of the Clerk of Superior Court of Fulton County.

Lot Width, Minimum. The least dimension required along the building line specified for each district, parallel to the lot frontage and measured between side lot lines.

Lumen. A unit of luminous flux. One (1) foot-candle is one (1) lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire. A complete lighting system, including a lamp or lamps and a fixture.

Luminaire Height. The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

3.3.13.

M

Maintenance or Repair, Ordinary. The upkeep of any exterior of any structure, parking lot or sign in or on a property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in outer design, material or appearance thereof. Painting, reroofing, resurfacing, replacement of a broken sign face and other similar types of ordinary upkeep and maintenance shall be deemed ordinary maintenance and repair.

Massing. A building's mass, or shape, is defined by its component parts, including the size of its footprint and number of stories. Individual characteristics of mass include building form, roof shape, and orientation. Varying the massing of a building may be achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions.

Material Change in Appearance. A change in a structure or a parking lot within an overlay district that exceeds ordinary maintenance or repair (defined below), and requires either a sign permit, building permit or land disturbance permit such as, but not limited to:

- A. Erection, alteration, restoration, addition or removal of any structure (including signs) or parking lot;
- B. Relocation of a sign or building;
- C. Commencement of excavation; or
- D. Change in the location of advertising visible from the public right-of-way.

Mayor. Mayor means the Mayor of the City.

Medical Related Lodging. A use which provides temporary lodging for family members of a patient hospitalized in the City.

Mineral Extraction. Severance and/or removal of sand, stone, gravel, top soil, and other mineral resources whenever such severance and/or removal is not conducted in conjunction with a permitted development activity.

Mini-Warehouse. A structure or group of structures containing separate spaces/stalls which are leased or rented on an individual basis for the storage of goods.

Mobile Home/House Trailer/Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, mobile home includes travel trailers and similar vehicles placed on a site for one hundred eighty (180) consecutive days or more. For all other purposes including insurance purposes under FEMA sponsored programs, mobile home does not include travel trailers and similar vehicles.

Mobile Home Park. Use of property for two (2) or more mobile homes for living purposes, and spaces or lots set aside and offered for use for mobile homes. A mobile home park does not include a mobile home sales lot.

Model Home. A dwelling unit used for conducting business related to the sale of a development.

Modification. A request to change an approved condition of zoning or use permit, except for conditions that pertain to a change in use, increase in density, and/or increase in height.

Modification, Administrative. A modification that constitutes a technical change only and does not involve a matter of significant public interest, as determined by the Director.

Modification, Zoning. A modification that involves a matter of significant public interest, as determined by the Director.

Modular Home. A factory-fabricated, single family dwelling unit built in one or more sections, designed for placement on a permanent foundation and not having a permanent chassis.

Multi-Tenant. Two (2) or more businesses that provide goods and/or services within separate structures located on the same site or within the same structure that provides wall separation and private access for each business.

3.3.14. N

NADIR. The point directly below the luminaire defined as zero (0) degrees vertical angle.

Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of the Zoning Ordinance or the time of passage of an amendment to this Article, which does not conform after the passage of the Zoning Ordinance or amendment with the regulations of the zoning district in which it is situated.

Nursing Home. As set forth in the Georgia Administrative Code 290-5-8-.01 (as it may be amended), a facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision and which maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home.

Nursing Home, Skilled. The application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's prescribed therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications, and promotion of emotional well-being, including but not limited to the following:

- A. The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures;
- B. Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen.

3.3.15. O

O.C.G.A. Official Code of Georgia Annotated.

Office, Temporary. A mobile, manufactured or other structure which is used as an office for real estate sales, on-site construction management and related functions.

Off-Premise. A location outside of the subject lot for a designated use, such as parking.

Off-Site/Premise. The location of a structure or use outside the lot-of-record of the subject development including the adjoining street or other right-of-way.

On-Premise. The individual lot-of-record on which the use is located.

On-Site/Premise. The location of a structure or use within the confines of a property delineated by property lines or, if referenced in a zoning or use permit case, within the confines of the boundaries of the legal description filed with the petition.

Open Space. The portions of a property not occupied by buildings, parking, drive aisles, and other similar elements dedicated to a use that does not allow for pedestrian access or congregation. While open space does include those areas incorporated as green space, open space is intended to account for areas that may be impervious and encourage pedestrian activity and congregation, such as plazas, fountains, courtyards and similar features.

Outparcel (Spin-Site). A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a site plan approved for the larger parcel as a condition of zoning.

Overlay District. A defined geographic area that encompasses one (1) or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.

Overlay District Property. An individual site, structure, object or landscape, including the adjacent area necessary for the proper continuity thereof, contained within an overlay district.

Owner. Any person, agent, firm, or legal entity having a legal or equitable interest in the premises.

3.3.16.

P

Park. Any lands or facility owned, operated, controlled or managed by any county, city or federal government or any governmental entity in and upon which recreational activities or places are provided for the recreation and enjoyment of the general public.

Parking. The temporary placement of vehicles in designated areas for use by residents, employees, guests and other authorized persons, but not including the placement of vehicles for storage.

Parking Lot. An area which is used for the parking of vehicles.

Parking Space. An area designated for the parking of one (1) vehicle on an all weather surface.

Path. A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

Patio. An outdoor space generally used for dining or recreation that often adjoins a building or structure and is typically paved. Patio may refer to a roofless inner courtyard or a paved area between a building or structure and a garden.

Pawn Shop. An individual, partnership, association, or corporation engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this paragraph.

Personal Care Home/Assisted Living. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one (1) or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage. This term shall not include host homes, as defined in paragraph (18) of subsection (b) of O.C.G.A. § 37-1-20.

Personal Services. Includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Pervious Surface. A surface that allows inflow of water into the underlying construction or soil.

Pipeline. Any conduit through which natural gas, petroleum, oxygen, or other flammable or combustible products, or any of their derivative products are conveyed or intended to be conveyed.

Planning Commission/City Planning Commission. The Planning Commission for the City as nominated by the Mayor and confirmed by the City Council.

Plans Review. The act of reviewing plans and specifications to insure that proposed undertakings comply with various governing laws, ordinances and resolutions. Compliance is subsequently utilized to determine that work and materials are in accordance with approved plans and specifications.

Plant Nursery. Any land used to raise trees, shrubs, flowers and other plants for sale or transplanting, but not including the retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment, or the retail sale of plants not grown on the property except with an approved use permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component pursuant to Article 19.4.27.

Plat, Final. A finished drawing of a subdivision showing completely and accurately all legal and boundary information and certifications required by this Ordinance. Certification for recording and ratification of the Director's approval by the Mayor and City Council is required.

Plat, Preliminary/Conceptual Plan. A drawing which shows the overall concept (e.g., a conceptual plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multifamily or non-residential project. As it relates to the platting process, a conceptual plan shall include a drawing in sufficient detail to indicate its workability

and feasibility, but is not in final form for recording, pursuant to this Ordinance. The conceptual plan is the first stage in securing a land disturbance permit.

Porch. A roofed open structure projecting from the exterior wall of a building and having at least seventy percent (70%) of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect-screening between floor and ceiling.

Power Plant (Automotive). An apparatus in a motor vehicle that includes an engine, a transmission connected to the engine, a propeller shaft connected to the transmission, a front mount elastically supporting the engine, and a body provided with the engine, the transmission, the propeller shaft and the front mount.

Prison/Correctional Facility. A public or state-licensed private owned building(s), and all accessory uses and structures, used for long-term confinement housing and supervision of persons who are serving terms of imprisonment for violation of criminal laws. A prison is distinguished from a jail, in that a prison is considered to be larger and for longer terms, and is normally operated under the authority or jurisdiction of the State or Federal government.

Property. When used in conjunction with an application for rezoning, an area of land composed of less than one (1) lot, or of accumulations of one or more lots, or parts thereof.

Propagation Study. A computer simulated model of how a radio system should perform. It gives an idea of the Coverage, dead-spots and performance of a proposed radio system for planning purposes, as well as an existing system for diagnostic purposes.

Properties, Historic. A Property which contains Historic Structures or which otherwise has sufficient historic merit as determined by the City Council so as to require preservation.

Proportion. Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Protected Zone. All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, all areas required as landscape strips and/or buffers (including zoning buffers, state water buffers and tributary buffers) and all tree save areas according to the provisions of the Zoning Ordinance, conditions of zoning, use permit or variance approval, and/or the Tree Conservation Ordinance.

3.3.17. Q

3.3.18. R

Radiofrequency Engineer. A radiofrequency expert with specialized training and experience in the development and analysis of Telecommunication Structures and networks, or a professional engineer licensed in the State of Georgia and experienced in the telecommunications field; however, in the event that this Ordinance requires an engineering certification regarding structural loading or other certification associated with the safety or integrity of Structures, a certification by a professional engineer licensed in the State of Georgia shall be required.

Recreational Court, Private. An improved area designed and intended for the playing of a game or event such as basketball, volleyball or tennis, and which serves single family dwellings, duplex dwellings and/or multifamily dwellings, or combinations of dwelling types, including such improved areas which

are owned and/or controlled by a neighborhood club or similar organization. The term "recreational court" shall include fences surrounding the recreational court and all surface area inside the fences and overhead lighting fixtures accessory to the same.

A basketball goal adjoining a driveway of typical residential driveway dimensions shall not constitute a recreational court.

Recreational Court, Public. An improved area designed and intended for the playing of a game or event such as basketball, volleyball or tennis, and is operated as a business or as a club unless such club is a neighborhood club or similar organization identified under Recreational Court, Private. The term "recreational court" shall include fences surrounding the recreational court and all surface area inside the fences and overhead lighting fixtures accessory to the same.

Recreational Facilities. Equipment and areas prepared for use for recreational and leisure purposes including, but not limited to: playground equipment, including swing sets and climbing structures; recreational courts; recreational fields; community picnic pavilions, including covered facilities with grills and/or fire rings; community buildings for recreational events; and golf courses. Trails and bike paths through open spaces are not typically considered recreational facilities.

Recreational Fields. An outside area designed and equipped for the conduct of sports and leisure-time activities including but not limited to softball, soccer, football, and field hockey.

Recreational Vehicle. A vehicle designed or primarily used for recreational, camping or travel use, which either has its own motor power, or which is mounted upon or drawn by another vehicle and used or designed to be used as temporary living or sleeping quarters.

Recycling Center, Collecting. Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials. Such use may be principal or accessory to a non-residential use on non-residentially zoned property, except AG-1 zoned properties, unless the primary use is a permitted non-residential use.

Recycling Center, Processing. Any facility utilized for the purpose of collecting, sorting and processing materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials whenever such use is permitted in M-1 and M-2 Zoning Districts. A recycling center is not to be considered a landfill.

Regularly. The consistent and repeated doing of an act on an ongoing basis.

Rehabilitative Nursing Care. The use of nursing skills and techniques to combat deformities and helplessness, to maintain or restore body functions, and to promote independence in self-care. Such techniques will include but not be limited to the following:

- A. Positioning patients in or out of bed to maintain good body alignment (unless contraindicated by physician's orders), the use of range of motion exercises to maintain joint mobility;
- B. Arranging a progression of self-care activities such as transfer and walking, and attention to bowel and bladder schedules together with retraining when indicated.

Remains, Human. The bodies of deceased human beings in any stage of decomposition, including cremated remains.

Remains, Pet. The bodies of deceased pets in any stage of decomposition, including cremated remains.

Residential Structure, Relocated. A dwelling which has been removed from one location for relocation to another lot.

Residential Use/Dwelling. Any building or portion thereof where one actually lives or has his home; a place of human habitation

Restaurant. A food service use which involves the preparation and serving of food to seated patrons. A cafeteria shall also be considered to be a restaurant. The restaurant seating area must be at least forty percent (40%) of the gross square footage of the restaurant facility. Seating space located outside of the main structure including, but not limited to, patios and decks, shall not be included in calculating the seating space.

Restaurant, Drive-in/up. A restaurant designed for customers to park and place and receive food orders while remaining in their motor vehicles.

Restaurant, Fast Food. A food service establishment which sells food from a counter or window for consumption on-premises or off-premises. Tables may be provided and food may be served at a table, but may not be ordered from a table.

Retail Use. A business in which the primary purpose is the sale of merchandise to consumers.

Right-of-Way. A portion of land over which a local or state government has designated a right of use.

Riding Stable. An establishment that houses horses for riding or hire, commonly in connection with the instruction or guidance of an instructor.

Roadside Produce Stand. A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or prepared packaged meats for sale from a motor vehicle or a temporary structure. The consumption of food on-site is prohibited.

Roadside Vending. The sale of merchandise including but not limited to clothing, crafts, household items and firewood from a temporary table or cart.

Rooming House. A residential use other than a hotel or motel in which lodging may be provided to non-household members for periods of thirty (30) days or longer, and which does not include the provision of meals.

3.3.19.

S

Salvage/Storage/Junk Facility. Any use involving the storage or disassembly of wrecked or junked automobiles, trucks or other vehicles; vehicular impound lots; storage, bailing or otherwise dealing in scrap irons or other metals, used paper, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses which cannot be reclaimed for their original use. Such uses are storage and/or salvage facilities whether or not all or part of such operations are conducted inside or outside a building or as

principal or accessory uses. State approval is required for all sites utilized for reclamation and/or disposal of toxic and/or hazardous waste.

Scale. The relationship of the size of parts to another and to humans, such as the relationship of a building to neighboring buildings and of a building to a site. In general, the scale of new construction should relate to the majority of surrounding buildings.

Scenic View. A wide angle or panoramic field of sight that may include natural and/or manmade Structures and activities. A Scenic View may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or Path. A Scenic View may be to a far away object, such as a mountain, or a nearby object.

School. Any educational facility established under the laws of the state (and usually regulated in matters of detail by local authorities), in the various districts, counties, or towns, maintained at the public expense by taxation, and open, usually without charge, to all residents of the city, town or other district or private facility which has students regularly attending classes and which teach subjects commonly taught in these schools of this state.

School, Private. An educational use having a curriculum at least equal to a public school, but not operated by the Fulton County Board of Education.

School, Special. An educational use devoted to special education including the training of gifted, learning disabled, mentally and/or physically handicapped persons, but not operated by the Fulton County Board of Education.

Screen. A fence, wall, hedge, landscaping, berm, buffer area or any combination of these that is designed to provide a visual and/or physical barrier.

Senior Housing. A single family or multifamily development intended for, operated for and designed for older persons in accordance with the Fair Housing Amendments Act. Senior housing communities are designed for seniors to live on their own, but with the security and conveniences of community living. Senior housing communities may provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services.

Septic Tank/Drain Field. A subsurface system that recycles human wastewaters and complies with applicable standards of City, state and federal government.

Service. An intangible product that is not classified as goods including, but not limited to, accounting, banking, cleaning, consulting, education, insurance, medical treatment, transportation and personal care. No transfer of possession or ownership takes place when a service is sold.

Service Commercial Use. A business use the primary purpose of which is to provide a service.

Service Line. A distribution line that transports natural gas from a common source of supply to:

- A. a customer meter or the connection to a customer's piping, whichever is further downstream, or
- B. the connection to a customer's piping if there is no customer meter.

Service Station. A use which provides for the sale of motor vehicle fuels and automotive accessories, and which may provide minor repair and maintenance services. A service station shall be limited to four (4) or fewer bays excluding no more than one (1) attached or detached bay for washing cars.

Setback. A space between a property line and a building or specified structure.

Setback, Minimum. The minimum yards as specified in the various zoning districts. A minimum required space between a property line and a structure. An area identified by a building line.

Shopping Center. A group of four (4) or more stores, shops, restaurants, and other businesses within a single architectural plan supplying many basic shopping needs and having a common parking lot.

Sidewalk. A paved area designated for pedestrians which is constructed in accordance with Sandy Springs standards.

Sign. See Article 33, *Signs*, for all definitions regarding signage.

Site Feature. All existing and proposed features located on a particular property including, but not limited to, buildings, structures, overhead and underground utilities, vehicular use areas, service structures, fences, mounds, storm water detention areas and drainage facilities.

Site Plan. A detailed plan, drawn to scale, based on a certified boundary survey, and reflecting conditions of zoning approval, various requirements of state law, and City ordinances and resolutions.

Site Plan, Preliminary. A detailed plan, normally associated with rezoning and use permit requests, which is drawn to scale and reflects the various requirements of state law and of City ordinances and resolutions. A preliminary site plan must be drawn to scale and shall contain information listed for such a plan in the development guidelines.

Siting. The method and form of placement of a Wireless Telecommunications Structure on a specific area of a Property.

Skywalk. An elevated, grade separated pedestrian walkway or bridge located over a public right-of-way.

Soil Erosion and Sedimentation Ordinance. The latest revision of the ordinance adopted by the City that regulates soil erosion and its transportation to the City's lakes, rivers and streams.

Specified Anatomical Areas. Includes the following:

- (A) human genitals or pubic region, buttock, or female breast below a point immediately above the top of the areola; or
- (B) human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Includes any of the following:

- A. Sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, masturbation, or excretory functions in the context of sexual relations, and any of the

following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;

- B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
- C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- D. Masochism, erotic or sexually oriented torture, beating or the inflicting of pain;
- E. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- F. Human excretion, urination, menstruation, vaginal or anal irrigation.

Stadium. A large open or enclosed structure used for sports and other major events and partly or completely surrounded by tiers of seats for spectators.

Stealth Technology Installation. Manmade trees, clock towers, bell steeples, light poles and similar alternative design Structures that, in the opinion of City Council, are compatible with the natural setting and surrounding Structures, and effectively camouflage or conceal the presence of Antennas or Towers.

Storage, Outside. The placement of an item outside a principal structure for a continuous period in excess of twenty-four (24) hours. Outside placement includes, but is not limited to, storage in a structure that is open or not entirely enclosed.

Storage, Self/Mini. A single-level structure or group of structures containing separate spaces/stalls and which are leased or rented to individuals for the storage of goods.

Storage, Self/Multi. A multi-level structure or group of structures containing separate storage spaces/stalls under a single roof that are leased or rented to individuals for the storage of goods.

Story. A portion of a building between the surface of any floor and the floor or space above it, excluding basements and attics.

Story, Half. A heated and finished area below a roof, one (1) or more of the vertical walls of which are less than normal ceiling height for the building.

Street. A roadway/right-of-way located and intended for vehicular traffic. Streets may be public or they may be private if specifically approved by the Department as part of a subdivision plat.

Arterial, Principal means a roadway that has partial or no access control and is primarily used for fast or heavy traffic. Emphasis of a principal arterial is placed on mobility rather than access to adjacent land.

Arterial, Minor means a roadway that has partial or no access control and is primarily used for interconnectivity of major arterials and places more emphasis on access to adjacent land over mobility than principal arterials.

Control, Full Access means that preference is given to through traffic by providing access connections only with selected public roads and by prohibiting crossing at grade and direct private connections.

Control, No Access means that preference is generally given to access to adjacent land rather than mobility.

Control, Partial Access means that preference is given to through traffic to a degree that in addition to connection with selected public roads, there may be some crossing at grade and some private connections.

Freeway means a multi-lane roadway having full access control and separation of directional traffic. A freeway accommodates large volumes of high speed traffic and provides efficient movement of vehicular traffic for interstate and major through travel.

Road, Collector means a roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials. The primary purpose of a collector road is to distribute trips to and from the arterial system to their destination points and allow access to the local roads.

Road, Local means a roadway that has no access control and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged.

Road, State means a right-of-way used for access owned and maintained by the state government.

Street, Private means a roadway constructed to City standards but owned and maintained by a private entity. Necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities shall be provided. Should the City ever be petitioned to assume ownership and maintenance of the private streets prior to dedication of the streets, they must be brought to acceptable City standards subject to the approval of the Director of Public Works.

Street, Public means a right-of-way used for access owned and maintained by the federal, state, or local government.

Street, Stub means a right-of-way that dead-ends into an interior property line.

Street Hardware. Objects other than buildings that are part of the streetscape including, but not limited to, street light fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers and fire hydrants.

Streetscape. The design of a street, including the roadbed, sidewalks, landscape planting, furnishings along the street, street hardware and the character of the adjacent building facade.

Structure. Anything temporarily or permanently erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, and/or anything constructed or erected with a fixed location on or in the ground.

Structure, Accessory. A subordinate structure, customarily incidental to a principal structure or use and is located on the same lot. Examples of accessory structures in single family dwelling districts include, but are not limited to, a well house, a fence, a tool shed, a guest house and a detached garage.

Structure, Attached Wireless Telecommunications. An Antenna or Antenna Array that is secured to an existing Building or Structure (except an Antenna support Structure) with any accompanying pole or device which attaches it to the Building or Structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the Building or Structure. An Attached Wireless Telecommunications Structure is considered to be an Accessory Use to the existing Principal Use on a site.

Structure, Historic. A Structure which has been formally designated as an Historic Structure as designated by the Georgia Historic Preservation Division of the Department of Natural Resources or the United States Department of the Interior or a City Historic Preservation Commission, if one is established, or which has sufficient historic merit as determined by the City Council so as to require preservation.

Structure, Principal. A structure in which the principal use or purpose on a property occurs, and to which all other structures on the property are subordinate. Principal shall be synonymous with main and primary.

Structure, Telecommunications. A telecommunications Tower, Monopole Tower, Antenna or any and all Buildings, Structures, or other supporting equipment used in connection with a telecommunications Tower, Monopole Tower, or Antenna.

Structure, Wireless Telecommunications. A staffed or unstaffed commercial Structure for the transmission and/or reception of radiofrequency signals, or other wireless communications, and usually consisting of an Antenna or groups of Antennas, transmission cables and equipment enclosures, and may include an Antenna support Structure. The following nonexclusive list shall be considered a Wireless Telecommunications Structure: new and existing Antenna support Structures, replacement Antenna support Structures, Co-Locations on existing Antenna support Structures, Attached Wireless Telecommunications Structures and concealed Wireless Telecommunications Structures. Also see "Telecommunications Structure."

Subdivision. Any division or re-division of a lot, tract or parcel, regardless of its existing or future use, into two (2) or more lots, tracts or parcels. The term "subdivision" shall mean the act or process of dividing property. Lots that do not abut or are not directly across a public street from other subdivided lots shall be considered a separate and distinct subdivision with a separate name. Where appropriate to the context, the term "subdivision" also may be used in reference to the aggregate of all lots held in common ownership at the time of division.

Subdivision Regulations. The latest revision of the ordinance adopted by the City that regulates the subdivision of property within the City.

Surface, All-Weather. Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion and to prevent vehicle wheels from making direct contact with soil, sod or mud, and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be so treated.

Swimming Pool, Private. A recreational facility designed and intended for water contact activities which serves single family dwelling units, duplex dwelling units and/or multifamily dwelling units, or combinations of dwelling unit types, including pools which are owned and/or controlled by a neighborhood club or similar organization.

Swimming Pool, Public. A recreational facility designed and intended for water contact activities operated as a business or as a club unless such club is associated with a neighborhood club or similar organization.

3.3.20.

T

Theater. A building, room, or outdoor structure for the presentation of plays, films, or other dramatic performances.

Thoroughfare, Major. Any street which is classified in the Transportation Element of the Comprehensive Plan as a freeway, an arterial or a major collector.

Thoroughfare, Minor. Any street which is classified in the Transportation Element of the Comprehensive Plan as a minor collector or local street.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guyed towers and monopoles but not alternative antenna support structures. The term "tower" includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers and cellular telephone towers, but excludes amateur radio antenna.

Tower, Lattice. A guyed or self-supporting, open frame Structure that has three (3) or four (4) sides used to support telecommunications equipment.

Tower, Monopole. A cylindrical, self-supporting, i.e., not supported by guy wires, communications Tower constructed of a single spire, used to support telecommunications equipment."

Trail. A path or narrow transportation-oriented corridor for the primary purpose of biking, running, walking or other non-motorized use. It may be of impervious surface or may be left in its natural state, or may be composed of wood chips, cinders or other types of natural material.

Transfer Station. A facility used to transfer solid waste from one (1) transportation motor vehicle to another for transportation to a disposal facility or processing operation.

Transmission Line. A pipeline other than a gathering line that:

- A. transports fuel oil/liquid petroleum product from a gathering line or storage facility (tank farm) to a distribution center or storage facility (tank farm), and/or
- B. transports fuel oil/liquid petroleum product within a storage field.

Tree Conservation Ordinance. The latest revision of the ordinance adopted by the City that regulates the preservation, planting, protection and maintenance of trees within the City.

Truck. A motor vehicle designed, used, or maintained primarily for the transportation of property.

Truck Terminal. A primary use of property for trucks/trailers to be temporarily stored, maintained or based.

3.3.21.

U

Use. The purpose or function arranged or intended for a structure or property.

Use, Accessory. A subordinate use which is customarily incidental to the principal use of a lot, and which is located on the same lot as a principal use.

Use, Principal/Main/Primary. The primary or main purpose or function of a lot or structure.

Use Permit. A permit approved by the City Council, pursuant to a public hearing, which authorizes a use which must meet certain standards which exceed the requirements of the zoning district as a whole.

3.3.22.

V

Variance, Administrative. A request for:

- A. relief from the standards contained in Article 34 of the Development Regulations;
- B. reduction of the ten (10) foot improvement setback adjacent to zoning buffers; or
- C. ten percent (10%) reduction of parking spaces as required in Section 18.2.4 of this Ordinance.

Variance, Administrative Minor. A variance to the minimum district yard requirements of not more than one (1) foot, granted administratively by the Director.

Variance, Concurrent. A variance request that is filed simultaneously with a land use petition.

Variance, Minor. A request for deviation from the minimum yard requirements, not to exceed ten percent (10%) of the dimensional requirements.

Variance, Primary. A request for relief from the standards of the Zoning Ordinance, except relief from use, minimum lot area, or minimum lot frontage.

Variance, Secondary. An appeal of a decision and/or action of a department director or deputy department director authorized to hear a variance request or interpretation of the Zoning Ordinance.

Vegetative Screen. An evergreen planting which, within three (3) years of planting, provides a one hundred percent (100%) visual barrier between a lot and adjacent lots and uses with a minimum height of six (6) feet. A vegetative screen is composed of plant materials.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Vehicle, Junk or Salvage. Any automobile, truck or other motor vehicle which is missing one of the following:

- A. current registration;
- B. license plate with current decal;

- C. proof of liability insurance;
- D. drive train component for more than thirty (30) days.

Vehicle, Motor/Auto/Car. Every vehicle which is self-propelled other than an electric personal assistive mobility device.

Vehicle, Motor/Auto/Car Broker. A person who, for a commission or with the intent to make a profit or gain of money or other thing of value, negotiates or attempts to negotiate the sale of a motor vehicle on behalf of another. Such term shall not mean any person engaged in the solicitation, negotiation, or advertising of the sale of used motor vehicles or any owner of real property who allows the display of used motor vehicles on such property if the sale of such vehicles is made by a used car dealer or a financial institution.

Veterinary Clinic/Hospital. A business which involves the medical care and boarding of animals, limited to short-term care incidental to the hospital use.

3.3.23. W

Wall. A solid, opaque fence constructed of stone, masonry, or stucco, or combination thereof. This definition is not intended to define a wall which constitutes a part of a building.

Waste. Materials that are discarded, disposed of or no longer usable.

Waste Disposal Boundary. The limit of all waste disposal areas, appurtenances, and ancillary activities including, but not limited to, internal access roads and drainage control devices.

Waste, Hazardous. Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency, as may be amended from time to time, pursuant to the federal act which are in force and effect on January 1, 2006, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste.

Waste, Solid. Solid waste as defined by regulations promulgated by the administrator of the United States Environmental Protection Agency, as may be amended from time to time, pursuant to the federal act which are in force and effect on February 1, 1996, codified as 40 C.F.R. Sections 261.1, 261.2(a)-(d), and 261.4(a).

Wholesale Use. A business in which the primary purpose is the sale of goods in large bulk or quantity for resale to a retail use rather than directly to consumers.

3.3.24. X

3.3.25. Y

Yard. A land area extending between a structure and a lot line.

Yard, Front. A yard abutting any street except the side street on a corner lot. Front yards extend the entire length of an abutting street from intersecting lot line to intersecting lot line. The front yard of corner lots shall be applied to the street which abuts the lot for the shortest distance.

Yard, Minimum. The minimum distance between a building or specified structure and a lot line as specified in the zoning district regulations.

Yard, Rear. The rear yard is the minimum required distance between the rear lot line and a structure. True triangular lots do not have rear yards. Lots with more than one (1) front lot line do not have rear yards. The Director shall make the final determination of rear yards when in dispute or undefined by this definition.

Yard, Side. A yard which is not a front or rear yard.

Yard Ornament. Decorative objects placed in a yard including, but not limited to, bird baths, bird houses, garden gnomes, lawn jockeys, yard globes, animal forms, and spinners.

3.3.26. Z

Zoning Condition/Condition of Zoning. A requirement placed on property by the City Council at the time of approval of a rezoning and/or use permit.

Zoning District/Zone, Use District/Use. In order to regulate the location of structures, the height and bulk of structures, the use and intensity of use of lots and structures, and to regulate open spaces and aesthetics, the City is divided into zoning districts which are individually described in this Ordinance. Those districts are set forth in Section 4.30 of this Ordinance from lowest to highest intensity.

Zoning Ordinance/This Ordinance. The 2005 Zoning Ordinance of the City, as it may be amended from time to time.

Zoning Petition/Rezoning Petition. An application for the reclassification of a zoning district, a conditional use, or a variance.

3.

Article 12, Section 12A, *Overlay District Authority*, of the Sandy Springs Zoning Ordinance is hereby amended and shall read as follows:

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005
WITH SUBSEQUENT AMENDMENTS

ARTICLE XII

SECTION 12A

OVERLAY DISTRICT AUTHORITY

12A.1.1. DECLARATION OF PURPOSE, SCOPE, INTENT AND PUBLIC POLICY. The Sandy Springs City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of the City are worthy of enhancement and preservation and are essential to the promotion of the health, prosperity, safety and general welfare of the existing and future residents of Sandy Springs. Therefore, the City

Council authorizes the creation of overlay districts and regulations. The purpose of said overlay district regulations shall be:

1. To foster civic pride.
2. To promote attention to accepted design principles in areas of new development and redevelopment.
3. To raise the level of community understanding and expectation for quality in the built environment.
4. To implement the Comprehensive Plan.
5. To provide for the designation, protection, rehabilitation and redevelopment of properties within overlay districts and to participate in federal and state programs designed to do the same.
6. To protect and enhance local aesthetic and functional qualities and to stimulate business.
7. To enhance the opportunities for federal, state and local tax benefits under relevant federal, state and local laws.

The City Council further finds that the timely exercise of judgment in the public interest by a public body of proposed new development or redevelopment is desirable. Accordingly, the public policy objectives of this Ordinance are to guide certain aspects of development, such as:

1. The spatial relationships of structures and open spaces to each other, and
2. The appearance of buildings and open spaces as they contribute to the attractiveness, function, economy and character of an area.

Planning area design standards are intended to be uniformly applied to evaluate the appropriateness of proposed changes to an overlay district in order to:

1. Protect and enhance the visual qualities and character of the district,
2. Provide guidance to design professionals, property and business owners undertaking construction in the district,
3. Recommend appropriate design approaches, and
4. Provide an objective basis for review, assuring consistency and fairness.

12A.2.1.

DEFINITIONS.

Words not defined herein shall be construed to have the meaning given in Article III of The Zoning Ordinance of Sandy Springs, or, by Webster's Ninth New Collegiate Dictionary. The words "shall" and "must" are mandatory, and the words "may" and

"should" are permissive. As used in this Ordinance, the following terms shall be defined as follows:

Appearance: The outward aspect that is visible to the public.

Appropriate: Fitting to the context of a site, neighborhood or community.

Architectural Concept: The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.

Architectural Feature: A significant element of a structure or site.

Attractive. Having qualities that arouse satisfaction and pleasure in numerous, but not necessarily all, observers.

Building. A building is a structure created to shelter any form of human activity, including but not limited to, a house, store, barn, church, hotel.

Cohesiveness. Unity of composition among elements of a structure or among structures, and their landscape development.

Compatibility. Harmony in appearance of architectural features in the same vicinity.

Designation or Designated. A decision by the City Council wherein a property or district is declared an overlay district.

External Design Feature. The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

Exterior Architectural Features. The architectural style, general design and general arrangement of the exterior of a structure and site, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, facade, landscaping and other architectural fixtures, features, details, or elements relative thereto.

Geographic Area. Land area subject to overlay district regulations.

Harmony. A quality that represents an attractive arrangement of parts, as in an arrangement of various architectural elements.

Landscape. Plant materials, topography and other physical elements combined in relation to one another and to structures including pavement.

Logic of Design. Widely accepted principles and criteria in the solution of design problems.

Material Change in Appearance. A change in a structure or a parking lot within an overlay district that exceeds ordinary maintenance or repair (defined below), and requires either a sign permit, building permit or land disturbance permit such as, but not limited to:

1. The erection, alteration, restoration, addition or removal of any structure (including signs) or parking lot;
2. Relocation of a sign or building;
3. Commencement of excavation; or
4. A change in the location of advertising visible from the public right-of-way.

Ordinary Maintenance or Repair. EXEMPT from inclusion in "Material Change in Appearance" defined above. Ordinary maintenance or repair of any exterior of any structure, parking lot or sign in or on an overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in outer design, material, or appearance thereof. Painting, reroofing, resurfacing, replacement of a broken sign face and other similar types of ordinary maintenance shall be deemed ordinary maintenance and repair.

Overlay District. A geographically definable area, possessing a significant concentration or linkage of sites, buildings, structures, objects or landscapes, including the adjacent area necessary for the proper treatment thereof, united by plan and/or physical development. An overlay district shall further mean an area designated by the City Council as such.

Overlay Property. An individual site, structure, object or landscape, including the adjacent area necessary for the proper continuity thereof, contained within an overlay district.

Proportion. Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Scale. Proportional relationships of the size of parts to one another and to humans.

Street Hardware. Objects other than buildings that are part of the streetscape. Examples are: street light fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers, fire hydrants, etc.

Streetscape. The appearance and organization along a street of buildings, paving, plantings, street hardware and miscellaneous structures.

12A.3.

APPROVAL OF ALTERATIONS OR NEW CONSTRUCTION

Applications pursuant to 12B.3.A.1 shall be submitted for review by the Department of Community Development and the Planning Commission to ensure that the provided standards have been met. Shall an applicant wish to deviate from the provided standards, the applicant shall submit a request subject to Article XXII, Appeals, of the Zoning Ordinance.

12A.4. MAINTENANCE OF PROPERTIES, BUILDING CODE AND ZONING PROVISIONS

12A.4.1. ORDINARY MAINTENANCE OR REPAIR. Ordinary maintenance or repair of any exterior feature visible from a public street in or on an overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a building, sign, or land disturbance permit.

12A.4.2. FAILURE TO PROVIDE ORDINARY MAINTENANCE OR REPAIR. The owner or owners, or the owner's agent, of each designated overlay district property or site, shall keep in good repair all of the exterior portions of such property and site and all interior portions thereof which, if not maintained, may cause or tend to cause the exterior portion of such property or site to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair. The Director of the Department of Community Development shall be responsible for the enforcement of the ordinary maintenance or repair provisions contained within this section.

12A.4.3. AFFIRMATION OF EXISTING BUILDING CODES AND ZONING. Nothing in this Ordinance shall be construed to exempt property and business owners from complying with other existing County regulations whenever this Article does not apply. This resolution is an amendment to the Zoning Ordinance and all other provisions of the Zoning Ordinance shall remain in effect unless provisions in the overlay district conflict with other provisions of the Zoning Ordinance, in which case, the stricter provisions of the overlay district shall apply.

12A.5. INTERPRETATION, VIOLATIONS, ENFORCEMENT AND PENALTY PROVISIONS

12A.5.1. VIOLATIONS. This Article shall be governed by Article XXIX, Section 29.1 of this Ordinance.

12A.5.2. ENFORCEMENT. This Article shall be governed by Section 26.3 of this Ordinance.

12A.5.3. PENALTY. Violation of this Ordinance shall be punished as provided for by Section 21-1-8 of the Sandy Springs Code [section 1-8 of the City of Sandy Springs Code or Ordinances].

12A.5.4. SEVERABILITY. In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Article which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

12A.5.5. CONFLICTS. If the provisions of this Article conflict with this Ordinance, or other ordinances, resolutions or regulations, the provisions of this Article shall govern or prevail to the extent of the conflict.

12A.5.6. INTERPRETATION. This Article shall be governed by Section 26.1 of this Ordinance.

4.

Article 12, Section 12B, *Sandy Springs Overlay District*, of the Sandy Springs Zoning Ordinance is hereby amended and shall read as follows:

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005
WITH SUBSEQUENT AMENDMENTS

ARTICLE XII-B

Sandy Springs Overlay District

- 12B.1. PURPOSE AND INTENT. The purpose and intent of this Article is to establish a uniform procedure for review and approval of projects; to protect, enhance, preserve or reuse places, sites, buildings, structures, objects, streets, signs, street furniture, sidewalks, neighborhoods, and landscape features; provide for aesthetic, economic, and functional value of properties, neighborhoods and structures; and address issues of traffic, traffic operations and congestion, transit, bicycle and pedestrian access and safety, aesthetics of the built environment, business viability, neighborhood preservation and public safety in the Sandy Springs Zoning Overlay District (herein referred to as the SS District).

The scope of this Article includes standards for sidewalks; pedestrian and site lighting; street trees; site development; design, materials, location and orientation of buildings and accessory structures; landscaping; and screening materials. These standards are necessary to implement the goals contained in the Sandy Springs Revitalization Plan, Sandy Springs Framework Plan, and Livable Community Initiative Study as conducted by Fulton County. Such goals include, but are not limited to, implementing an integrated transportation and land use plan; creating a town center; applying design guidelines; improving traffic and the pedestrian environment, aesthetics of the built environment, and business viability; preserving neighborhoods and promoting public safety. The Sandy Springs Overlay District standards apply to all properties. Land and structures shall be used in accordance with standards of the underlying zoning classification. If the provisions of this Article conflict with other articles in this Ordinance or other Sandy Springs ordinances, resolutions or regulations the provisions of this Article shall prevail. When this article is silent regarding a particular standard, the applicable Sandy Springs code shall be followed.

Nothing in this article shall be construed as requiring conformance of existing sites, structures or other improvements within the Sandy Springs Overlay District to this Article upon adoption hereof. See 12.B.2, below, for criteria.

- 12B.2. REVIEW PROCESS (amended 01/20/09, RZ08-033, Ord. 2009-01-03).

- 12B.2. A. Applications for improvements to developed sites and/or existing structures shall meet the standards contained in this Article for installation of sidewalks, pedestrian lighting, and street trees, when the proposed interior and/or exterior renovation of a

building and/or site re-development improvements have a declared value equal to or greater than 40% of the property's most recent tax appraisal¹.

1. Estimated costs of, including but not limited to, demolition, construction, installation, and fabrication, including labor and materials, for both interior and exterior improvements, shall be submitted at the time a building and/or land disturbance permit application is filed.
2. The declared value of improvements under multiple permits shall be cumulative and shall include the value of improvements under permits issued for the previous seven (7) years, from the date the most recent application is filed.

12B.2. B. All land disturbance permit applications for new construction shall meet the standards contained in Article 12B.

12B.2. C. All building permit applications for new buildings shall meet the standards contained in Article 12B.

12B.2. D. Applications for sign permits shall conform to Articles 33.

12B.2. E. Where two or more properties, lots or parcels are located within the same block or have frontage on the same side of the street between two intersecting streets, and are under common zoning or ownership and are being developed or re-developed as a single development operation or a series of coordinated development operations, these properties shall be considered as a single property for purposes of this article.

12B.2. F. When a portion of any parcel, lot, property, or development falls within the boundary of the overlay district, the entire development shall meet these standards.

12B.2. G. All new single family subdivisions shall meet the standards of their respective Overlay District along their exterior public street frontage(s) for pedestrian lighting, sidewalks, and landscaping (including street trees) pursuant to Article 34.5.3.

12B.3. PLANNING COMMISSION REVIEW.

12B.3. A. Planning Commission Review for compliance with adopted development standards

1. The Planning Commission shall review applications for land disturbance permits, building permits, fence permits (excluding dumpster enclosures), rezoning, use permits, variances, and modifications which propose changes to standards contained in this Article. The Planning Commission shall make recommendations based on the applicable standards contained in this Article.

¹ Property appraisal, including both land and improvements, is the amount upon which taxes are determined, and the source will be the Fulton County Tax Commissioner's Office.

2. Staff of the Department of Community Development shall forward the Planning Commission's recommendations to the Board of Appeals (for variance applications) and to the City Council (for applications for rezoning, concurrent variances, and/or modifications to conditions).
3. The Department of Community Development shall issue, issue with modifications, or withhold a permit based on a project's conformance with the standards set out in this article.

12B.3. B. Planning Commission Review Meetings

1. Planning Commission Review meetings shall be held as a part of regularly scheduled Planning Commission meetings pursuant to the schedule adopted by the City Council as required in Article XXVIII of this Ordinance. Said meetings shall comply with the public notification requirements of the Georgia Open Meetings Act.
2. PUBLIC NOTICE REQUIREMENTS. Applications to be reviewed by the Planning Commission shall be added to the regular Planning Commission agenda to be posted to the City's webpage not less than twenty-four (24) hours prior to the meeting.
 - a. Sign Posting. No sign posting shall be required.
 - b. Notice by Mail. No notice by mail shall be required.
3. PUBLIC HEARING REQUIREMENTS. The Planning Commission shall hold a public hearing regarding each application.

Any public hearing required by this Article shall be called and conducted in accordance with the following procedures. Nothing contained in this Section shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

- a. Presiding Officer. The presiding officer shall preside over the respective public hearing. The Planning Commission chairman shall preside, or in the absence of the chairman, the vice chairman, if designated. If neither is present to preside, another member of the City Planning Commission shall be designated to preside.
- b. Public Hearing. The Planning Commission Chair shall open the public hearing and the Director, or his/her designee, shall provide a summary of each application. Applicants shall have a period of ten (10) minutes to present an application. Opponents to an application shall have a period of ten (10) minutes to provide comments. The applicant, if time is remaining from the original allotted time, shall have an opportunity for rebuttal. However, the opposition shall not have time for rebuttal. The Chair shall close the public hearing and the Planning Commission shall deliberate.

4. A public record shall be kept by the staff of the Department of Community Development of the Planning Commission's resolutions, proceedings, findings and recommendations, and such record shall be maintained in such a place and manner as to allow public access.

12B.4. STREETSCAPE STANDARDS.

12B.4. A. Street Trees shall be (amended 10/21/08, RZ08-028, Ord. 2008-10-55):

1. Placed adjacent to the sidewalk away from the street.
2. A minimum three inch (3") caliper.
3. Planted at approximately forty feet (40') on center, or as approved by the City Arborist.
4. Selected from the species listed in Attachment, or as approved by the City Arborist.
5. Of a single species on any single property, although other required trees on property need not be of a single species.
6. Shall contribute towards the requirements of the Tree Preservation Ordinance.

12B.4. B. Sidewalks

1. Sidewalk widths may be tapered between streetscape types.
2. Sidewalk paths shall be continued across the entire length of all concrete aprons and shall be textured to match the appearance of sidewalk materials, in color, texture and design.
3. Where rights-of-way are insufficient to accommodate the required sidewalk and planted strip, the streetscape may be located outside the right-of-way, if appropriate easements are granted to Sandy Springs.

12B.4. C. Pedestrian Lighting:

1. Pedestrian lighting shall be installed when new or upgraded sidewalks are constructed, and shall be in accordance with current Public Works standards.

Streetscape Standards for Each District		
Elements	Main Street District	Suburban District ²
Strip between street and sidewalk - Material and Width	Two-foot wide Brick paver	2 Foot wide Planted Strip (groundcovers, grass)
Sidewalks	Required in all districts	
Width of Sidewalk	Nine feet	Six Feet
Street Trees - Distance Apart	40 feet on center	
Street Trees – caliper	3 inch minimum	
Landscape Strip	Ten Feet Wide	

12B.5. SITE DEVELOPMENT STANDARDS.

12B.5. A. Intra-parcel Walkways

1. A continuous, on-site intra-parcel walkway of at least five feet (5'-0") in width is required to connect the public sidewalk to the main entrance(s) of that property's building(s), and shall comply with the Americans with Disabilities Act (ADA), in all respects.
2. Intra-parcel walkways crossing parking lots shall be distinguished from parking lots by the use of colors, texture (use of different materials), difference in rise above the parking lot or a combination of these means, to minimize auto-pedestrian conflict.

12B.5. B. Landscape Strips and Planting Materials

1. There shall be a ten foot wide landscape strip adjacent to the edge of sidewalk.
2. Ground covers and mulch or similar materials, shall be utilized in parking lot landscape islands. Turf grass is not permitted.

12B.5. C. Accessory Structures and Screening

1. Accessory structures shall not be located in any yard adjacent to a public street.

2. Loading docks, refuse and waste removal areas, service yards, exterior work areas, mechanical equipment or other utilities if visible from a public street shall be screened from public view by one or a combination of the following elements: continuous evergreen plantings, opaque fences or other material related to the primary landscape or architectural elements on the site.
3. When plantings are used as screens, such plantings shall be evergreen. Such plantings shall count toward required minimum landscape areas rather than being in addition thereto.
4. Where walls or fences are used in lieu of planted screens, landscape materials shall be incorporated into the screening scheme whenever feasible.
5. Where a parking lot, parking structure or gas fueling bays front directly on a public street, a continuous screen of evergreen (to be equally effective all year) planting shall be provided. Said screen shall be a minimum height of two feet (2' - 0"), a maximum height of three feet (3' - 0"), and minimum width of five (5) feet. Such planting shall contribute to the minimum landscape areas.

12B.5. D. Fences and Walls

The following standards apply to common fences and walls around businesses, multi-family developments, and detached and attached residential subdivisions along public street frontages. The following standards are in addition to the standards set forth in Article 4.11, of these Regulations, Fences and Walls.

1. Allowable materials include: natural and man-made stone, brick, ornamental-decorative or wrought iron or aluminum, architectural concrete, or wood.
2. Fencing made of barbed wire, razor wire, plastic, cloth or chain-link is prohibited, unless otherwise stated in Article 12B.5.E.2.
3. When the building fronts and sides are visible to a public street, any wall or fence over two feet in height from finished grade shall not be opaque and shall have a minimum opening ratio of 50% (fifty percent).
4. When the back of the building is visible to a public street, fences or walls shall be opaque.

12B.5. E. Screening of Cell Towers and Associated Equipment

Cell towers shall be in accordance with Article 19, except cell towers and associated equipment shall be screened in accordance with the following standards:

1. Cell towers and associated equipment shall not be located in a yard adjacent to a public street.
2. Chain Link Fencing shall be a dark, non-reflective material, such as black clad vinyl and shall be screened by a ten (10) foot wide landscape strip planted to buffer standards.

12B.5. F. Parking

Article 18 shall prevail, except herein as stated:

1. Electrical vehicle charging stations: A building, commercial establishment or other property which provides automobile parking facilities shall be granted a reduction in required parking spaces, five (5) regular spaces in exchange for one (1) electrical vehicle charging station, allowing for no more than four (4) electric vehicle charging stations per project. If less than 100 parking spaces, no electrical vehicle charging station shall be required.
2. Bicycle Parking: A minimum of one bicycle parking space shall be provided for every 20 auto spaces.

12B.5. G. Parking Lot and Site Lighting

Site and parking lot lights shall not be sodium vapor lights (high pressure sodium). All lighting shall be the same type.

12B.6. OPEN.

12B.7. PROHIBITED USES (added 09/18/07, RZ07-028, Ord. 2007-08-56)

A. All Districts

The following uses shall be prohibited from all districts, including the Main Street District, of the Sandy Springs Overlay District:

- a. All uses permitted under the M-1A, M-1, and M-2 districts.
- b. Pawn Shops
- c. Check Cashing Establishments
- d. Self Storage/Mini
- e. Self Storage/Multi

B. Main Street District

The following uses shall be prohibited from the Main Street District of the Sandy Springs Overlay District:

- a. Automotive Garage
- b. Automobile & Light Truck Sales/Leasing
- c. Automotive Specialty Shops
- d. Batting Cage, Outdoor
- e. Car Washes and/or Service Stations, unless located inside a parking

- garage and not visible from the exterior of the parking garage.
- f. Convenience Store, in the area identified on the "Proposed Illustrative Master Plan" map found on Page X of the Sandy Springs City Center Master Plan adopted by City Council on December 18, 2012
- g. Drive-in Theater
- h. Funeral Homes
- i. Landscaping Business, Garden Center
- j. Lawn Service Business
- k. Laundry and/or Dry Cleaning Plant Distribution Center
- l. Plant Nurseries
- m. Plumbing Shop
- n. Repair Shops
- o. Research Laboratories
- p. Tinsmithing Shop

C. Suburban District

The following uses shall be prohibited from the Suburban District of the Sandy Springs Overlay District on Roswell Road, north of the intersection of Roswell Road and Dalrymple Road:

- a. Automotive Garage
- b. Automobile & Light Truck Sales/Leasing
- c. Automotive Specialty Shops

12B.8. MAIN STREET DISTRICT STANDARDS.

12B.8. A. Parking

12B.8.A. Parking Spaces			
	Land Uses	Minimum Number	Maximum Number
A.1.	Retail commercial	1.5 spaces/1,000 gsf	5 spaces/1,000 gsf
A.2.	Office	1.0 space/1,000 gsf	4 spaces/1,000 gsf
A.3.	Restaurant	1.5 spaces/1,000 square feet.	10 spaces/1,000 square feet.
A.4.	Multi-Family Residential	One (1) space per dwelling unit	2.25 spaces per dwelling unit
The minimum standards are available to properties which comply with the streetscape standards and have pedestrian access to the street.			

- 5. All parking, except residential, shall be shared.

6. Parking spaces are permitted off-site per Article 18.
7. Parking areas are not permitted between the sidewalk and the front of the building.

12B.8. B. Sight Distance

No building, sign, structure or object, tree or other landscape feature shall be installed, built, or allowed to grow which will impede visibility at street corners, driveways and/or intersections, pursuant to AASHTO standards for sight triangles.

12B.8. C. Yards Adjacent to a Public Street (as measured from the back of curb)

1. Buildings up to four floors:
 - a. Minimum Yard: 12 feet;
 - b. Maximum Yard: twenty-one feet (21'-0")
2. Buildings with five (5) or more floors:
 - a. Minimum yard: Twenty (20'-0") feet.
 - b. Maximum yard: Forty (40) foot setback above the fourth floor.
3. The required sidewalk area, including the sidewalk width located in the public right-of-way, may be calculated as part of the required landscape strip.
4. Minimum side yards:

Five feet or zero (if there are no windows along the side wall).

12B.8. D. Street Furniture and Amenity Zone

1. Clear Zone: Outside the two foot paver band, there shall be a clear zone of six feet where there shall be no permanent structures, including but not limited to, utility poles, mail boxes, newspaper vending boxes, sign structures, and benches.
2. Furniture Zone: The remaining portion of the sidewalk, outside the clear zone, may be used for the following purposes, including, but not limited to street trees, waste receptacles, bicycle racks, benches and other seating elements which do not obstruct pedestrian access or motorist visibility.
3. Building setbacks in yards adjacent to public streets may be increased to a maximum of thirty-five feet (35 feet) to accommodate outdoor space needed for plazas, dining, art, fountains, bicycle parking, gathering and

seating places, gazebos or similar uses. Such improvements shall be documented on the final site plan.

4. Orientation to Street:
 - a. Newly constructed buildings: At least one public (e.g. open to the public during normal business hours) pedestrian oriented entrance shall be located on the street side of the building. There shall be pedestrian access directly from the sidewalk to the principal building entrance.
5. Drive through windows shall be located in the rear yard.
6. Gasoline fuel dispenser structures shall be located along a side yard and shall not be located between the building and the street, but shall be constructed of brick, stone, or other masonry material within the first seven feet of the fuel dispenser from the ground.

12B.8. E. Building Heights

1. Buildings may have a maximum height consistent with the height recommendation for the applicable Node that a parcel is located in as referenced in the Comprehensive Plan and as shown on the Future Land Use Map, except that for buildings proposed to exceed a height of six (6) floors or 90 feet a Use Permit shall be required consistent with Article 19, Administrative Permits and Use Permits, of this Zoning Ordinance.
2. The minimum height of buildings with less than 5,000 square feet is two floors or 25 feet, whichever is less.

12B.8. F. Building Design Guidelines

1. Parcels identified on the Comprehensive Plan Future Land Use Map within the area designated as Node 8, Town Center (being bounded by Cromwell Road to the north, Cliftwood Drive and Carpenter Drive to the south, Boylston Drive to the east, and Sandy Springs Circle to the west) shall have a maximum gross floor area of 30,000 square feet per retail tenant. Variances to this section shall be prohibited, except that renovation of existing tenant spaces shall be permitted through administrative approval by the Director of Community Development so long as the renovation does not increase the gross square footage of the tenant space.
2. New, remodeled and rehabilitated buildings, parking decks, and other structures shall employ street level design elements that relate to a pedestrian scale through the following means:
 - a. Building floors shall be delineated from the sidewalk level to the third floor through windows, belt courses, cornice lines or similar architectural details.
 - b. Building entrances shall be articulated and create additional visual

interest and/or opportunities for human activity and interaction by using one or more of the following methods:

- i. Building materials, architectural details and patterns shall be varied per tenant or every 75 feet, whichever is greater.
 - ii. Roof line and building offsets shall be varied by a minimum of two feet for every three tenant spaces or 75 feet of building face, whichever is greater.
 - iii. Awnings, canopies, or other type of covered-projected entry³, or
 - iv. Places for human activity, including, but not limited to plazas, courtyards, porches, decks, outdoor seating, landscaping, gazebos, pavilions or fountains.
 - v. The maximum length of a building parallel to a public street shall not exceed 200 feet.
- c. Windows
- i. A minimum of 60% of ground level facades visible from the right-of-way shall be transparent glazing
 - ii. Reflective and/or opaque glass is not permitted on ground level floors.
 - iii. For building faces oriented toward a street, windows shall be placed at distances no greater than ten (10) feet apart.

12B.8. G. Color

Primary or fluorescent colors shall not be employed except on sign faces, awnings, canopies or as accent colors (not to exceed 10% of building faces exclusive of window areas).

12B.8. H. Parking Structures and Decks

When adjacent to a public street, above street level parking structures and decks shall create visual interest through the articulation of openings, cornice lines, and belt courses or similar architectural details.

12B.8. I. Building Materials

Architectural Treatment Prohibited

³ If used, such treatment shall extend a minimum of five feet from the face of the building. Colonnades shall have a minimum width of six feet between the inside of the columns to the building.

1. Prohibited exterior building materials include exterior building materials which are not textured; non-architectural metal panel systems, as-cast smooth concrete masonry or plain reinforced concrete slabs, aluminum, plywood, press-wood or corrugated steel (exceptions: mechanical penthouses & roof screens).
2. Prohibited exterior building components, if visible from any public street, include: steel gates, burglar bars, chain link fence, steel roll down curtains. If not visible from any public street, such treatments are allowed. Interior security measures shall not be regulated.

Allowed Architectural Material

3. Exterior walls of the remaining, unglazed wall area for all new buildings shall consist of a minimum of seventy percent (70%) of one or a combination of the following durable materials: brick; tile; stone with weathered, polished or fluted face; textured traditional cement stucco (real stucco); architectural concrete masonry with fluted, split-face, or broken-face finish; portland cement plaster and lath systems; architectural (either pre-cast or tilt-up) concrete either fluted or with exposed aggregate finish; or fiber cement-board.
 - a. No other building material is allowed within the first seven vertical feet from grade level on any building.
 - b. Sloped roofs shall be standing seam metal, slate, concrete roof tiles, or composition shingles.
 - c. A decorative parapet or cornice shall be constructed along all flat roof lines.
 - d. Roof-mounted equipment shall be screened from view by a decorative parapet or cornice (point of view shall be across any public street, from the edge of right-of-way furthest from the building).
 - e. Exterior building walls, decorative elements, and parapet or cornice, are exempt from the building material requirements if they meet the following conditions:
 1. If the exterior wall is not visible from any public right-of-way; and
 2. If the exterior wall does not include a public entrance.

12B.8. J. Architectural Features Required

The principal entry area of a building shall be articulated and express greater architectural detail than other portions of the building. Individual tenant space

entries shall also be articulated and express greater architectural detail than the building wall.

12B.8. K. Encouraged architectural elements

Encouraged architectural elements include: columns, arcades and covered entry-walkway, arches, facade offsets, windows, balconies, undulating walls, clock towers, cupolas and courtyards.

12B.8. L. Building Harmony

Out-parcel buildings or spin sites, which are identified on a site plan approved pursuant to a single zoning case, shall have architectural features consistent with the principal buildings.

12B.9. SUBURBAN DISTRICT STANDARDS

12B.9. A. Street Furniture and Amenity Zone

1. Drive through windows shall be located in the side or rear yards, but not between the building and the street.
2. Gasoline fuel dispensers are permitted between the building and the street, but shall be constructed of brick, stone, or other masonry material within the first seven feet of the fuel dispenser from the ground.

12B.9. B. Building Design Guidelines

1. New, remodeled and rehabilitated buildings, parking decks, and other structures shall employ street level design elements that relate to a pedestrian scale through the following means:
 - a. Building floors shall be delineated from the sidewalk level to the third floor through windows, belt courses, cornice lines or similar architectural details.
 - b. Building entrances shall be articulated and create additional visual interest and/or opportunities for human activity and interaction by using one or more of the following methods:
 - i. Building materials, architectural details and patterns shall be varied per tenant or every 75 feet, whichever is greater.
 - ii. Awnings, canopies, or other type of covered-projected entry.
 - iii. The maximum length of a building parallel to a public street may exceed 200 feet, however the design must be articulated, have detail, and provide visual interest.

12B.9. C. Color

- a. Primary or fluorescent colors are permitted on building facades, but it is recommended that single buildings do not employ varying designs, paint, etc. for individual tenants.

12B.9.

D. Building Materials

Architectural Treatment Prohibited

1. Prohibited exterior building materials below the first four feet of the façade from the ground include exterior building materials which are not textured; non-architectural metal panel systems, as-cast smooth concrete masonry or plain reinforced concrete slabs, aluminum, plywood, press-wood or corrugated steel (exceptions: mechanical penthouses & roof screens).
2. Prohibited exterior building components, if visible from any public street, include: steel gates, burglar bars, chain link fence, steel roll down curtains. If not visible from any public street, such treatments are allowed. Interior security measures shall not be regulated.

Allowed Architectural Material

3. Exterior walls of the remaining, unglazed wall area for all new buildings shall consist of a minimum of seventy percent (70%) of one of one or a combination of the following, except along the Roswell Road corridor where the minimum shall be sixty percent (60%) of one or a combination of the following, durable materials: brick; tile; stone with weathered, polished or fluted face; textured traditional cement stucco (real stucco); architectural concrete masonry with fluted, split-face, or broken-face finish; portland cement plaster and lath systems; architectural (either pre-cast or tilt-up) concrete either fluted or with exposed aggregate finish; or fiber cement-board.
 - a. No other building material is allowed within the first four vertical feet from grade level on any building.
 - b. Sloped roofs shall be standing seam metal, slate, concrete roof tiles, or composition shingles.
 - c. A decorative parapet or cornice shall be constructed along all flat roof lines.
 - d. Roof-mounted equipment shall be screened from view by a decorative parapet or cornice (point of view shall be across any public street, from the edge of right-of-way furthest from the building).

e. Exterior building walls, decorative elements, and parapet or cornice, are exempt from the building material requirements if they meet the following conditions:

1. If the exterior wall is not visible from any public right-of-way; and
2. If the exterior wall does not include a public entrance.

12B.9. E. Architectural Features Required

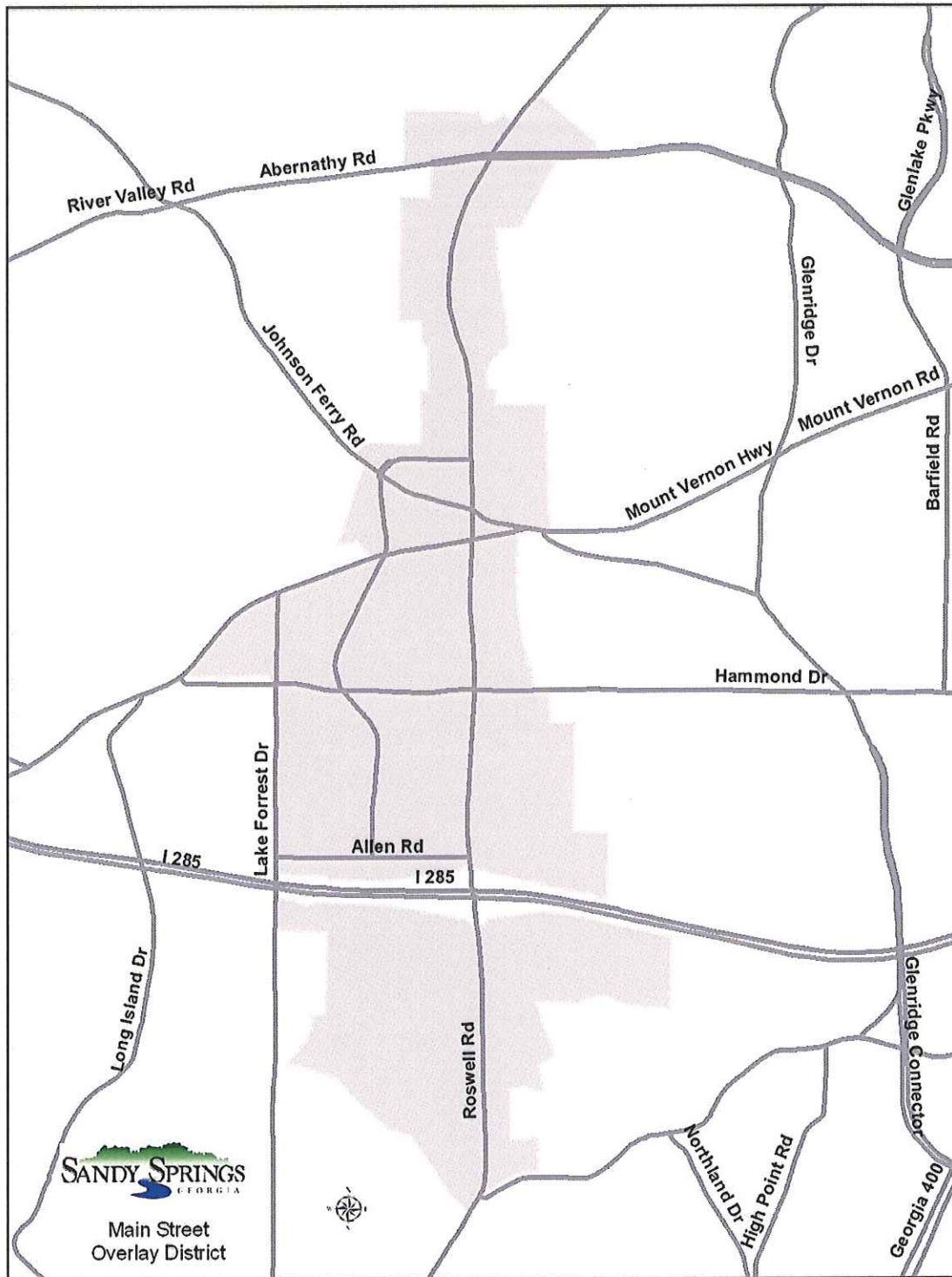
The principal entry area of a building shall be articulated and express greater architectural detail than other portions of the building. Individual tenant space entries shall also be articulated and express greater architectural detail than the building wall.

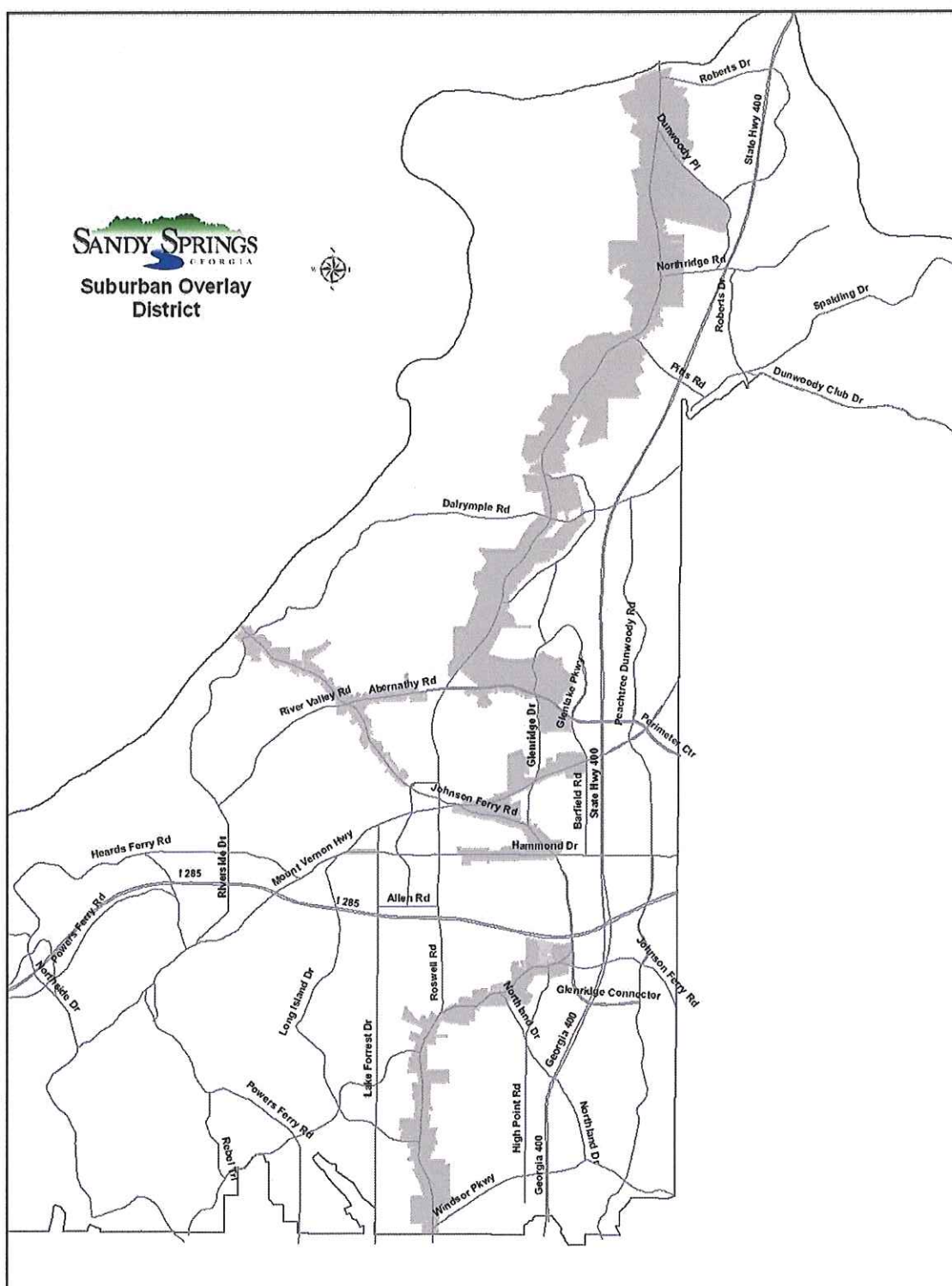
12B.9. F. Encouraged architectural elements

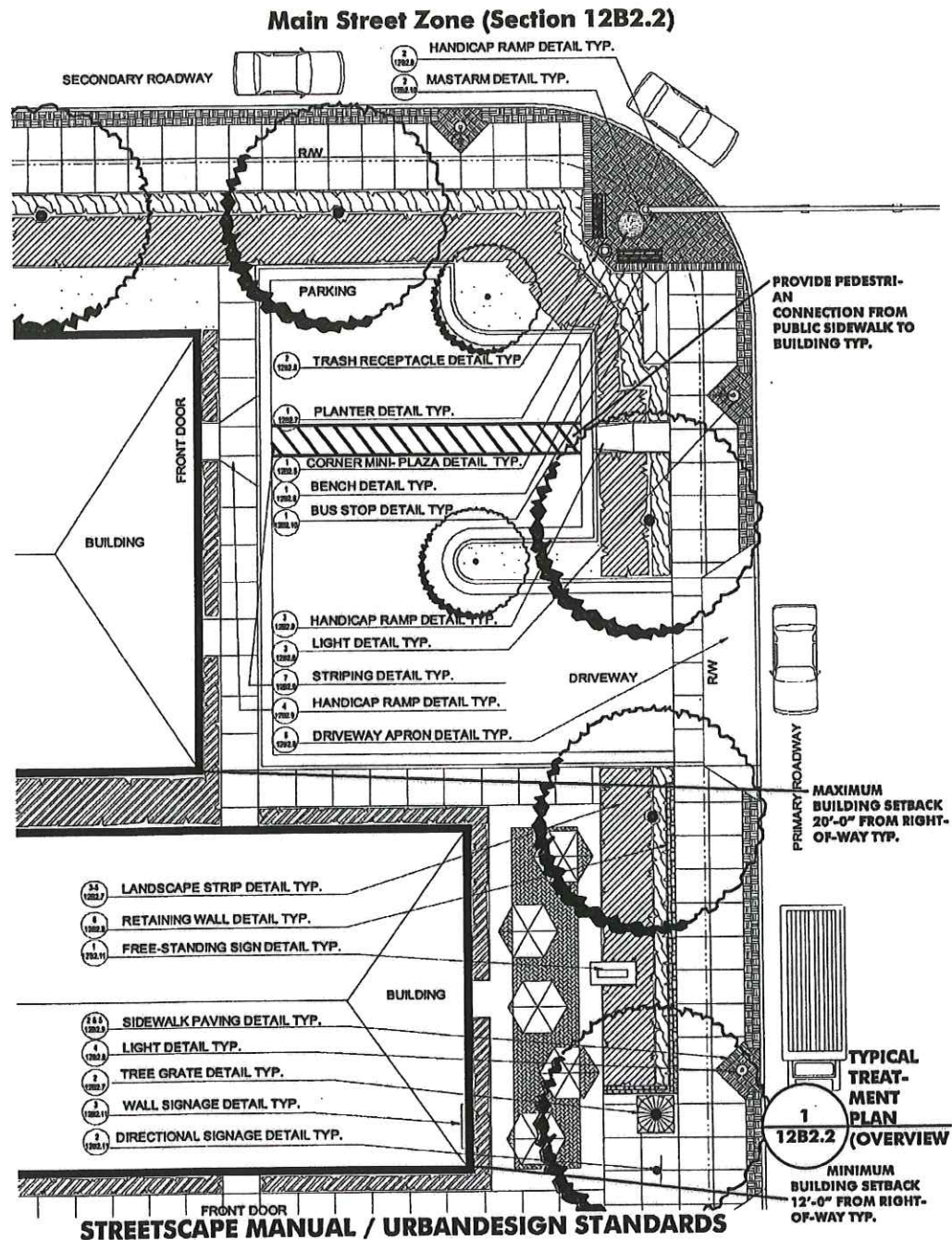
Encouraged architectural elements include: columns, arcades and covered entry-walkway, arches, facade offsets, windows, balconies, undulating walls, clock towers, cupolas and courtyards.

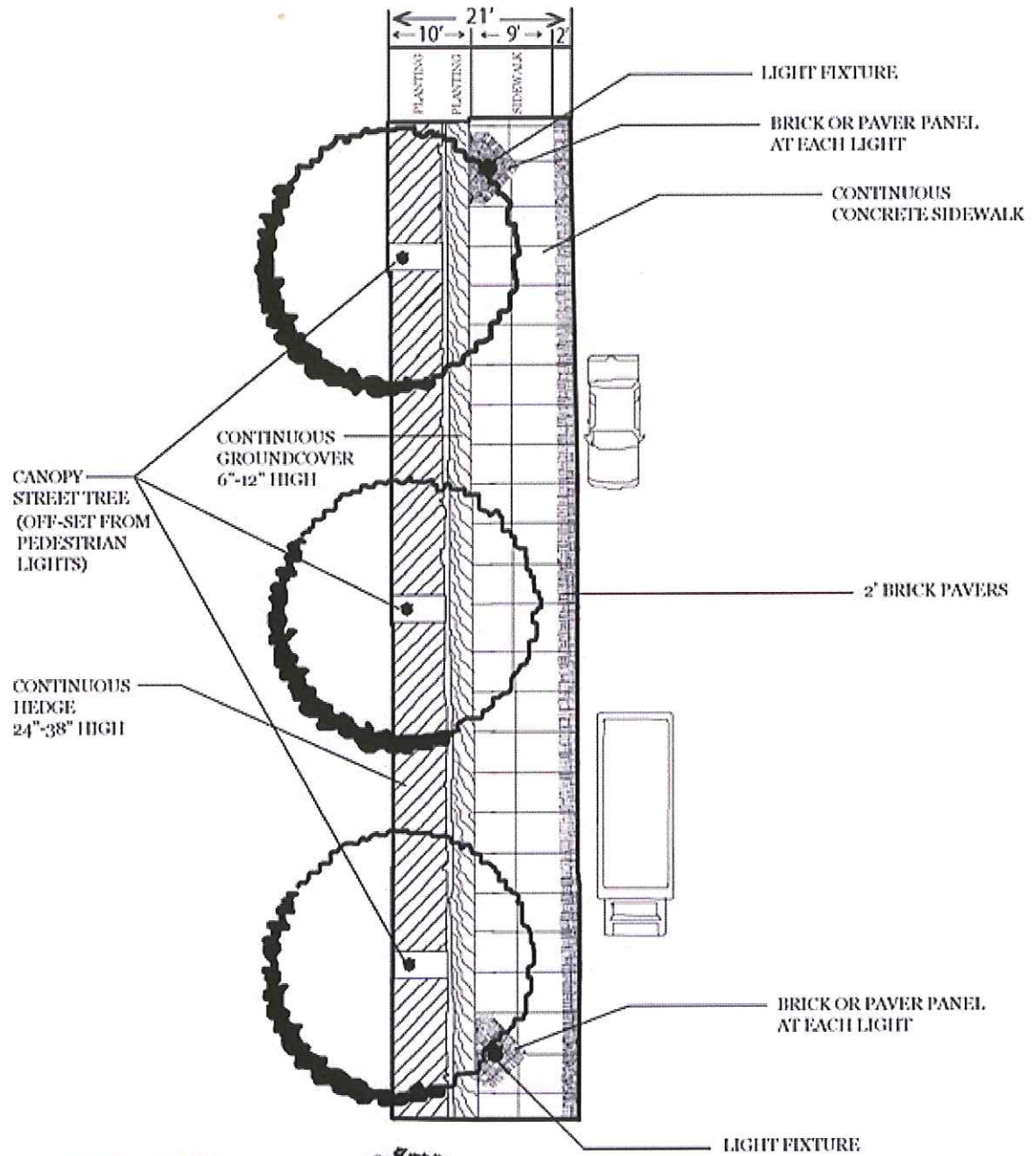
12B.9. G. Building Harmony

Out-parcel buildings or spin sites, which are identified on a site plan approved pursuant to a single zoning case, shall have architectural features consistent with the principal buildings.

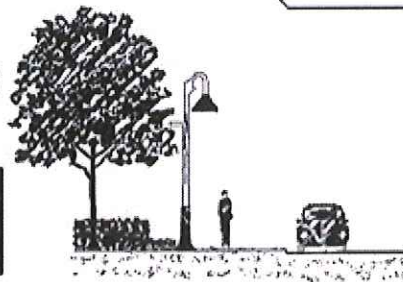




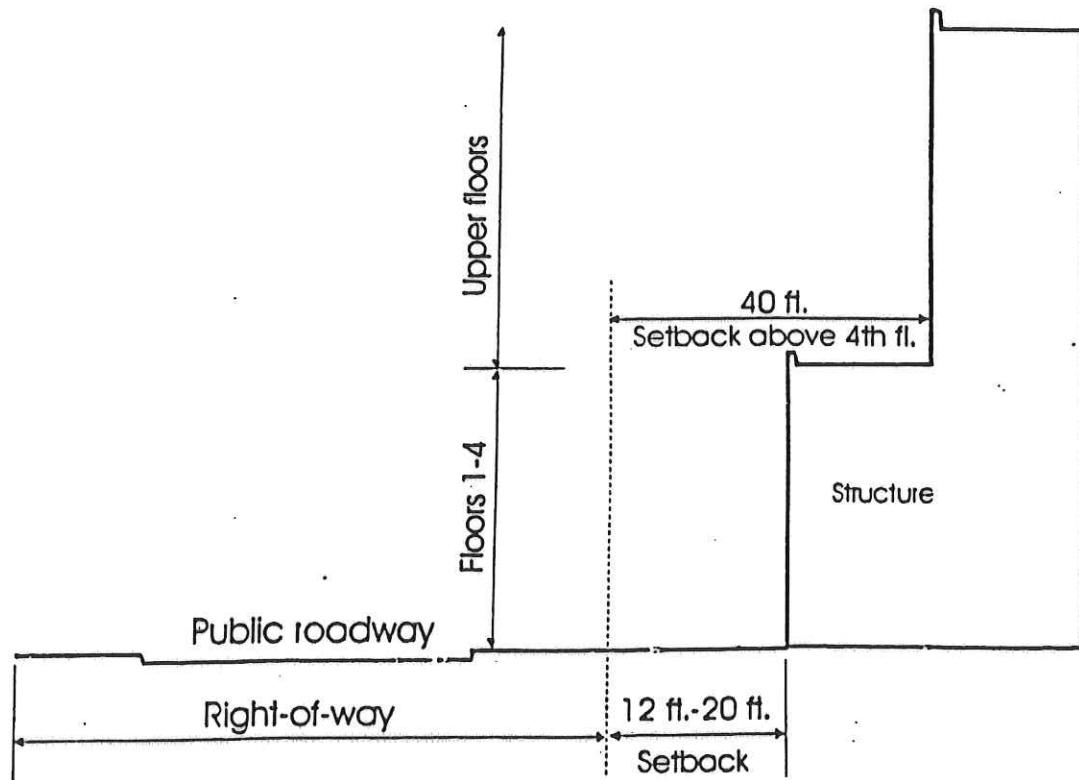


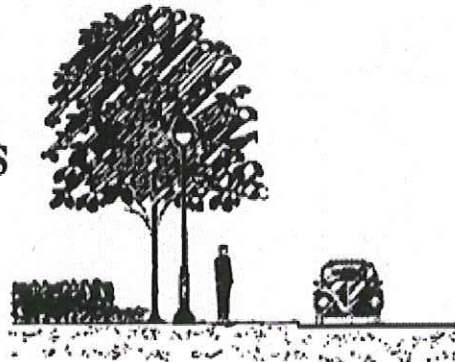
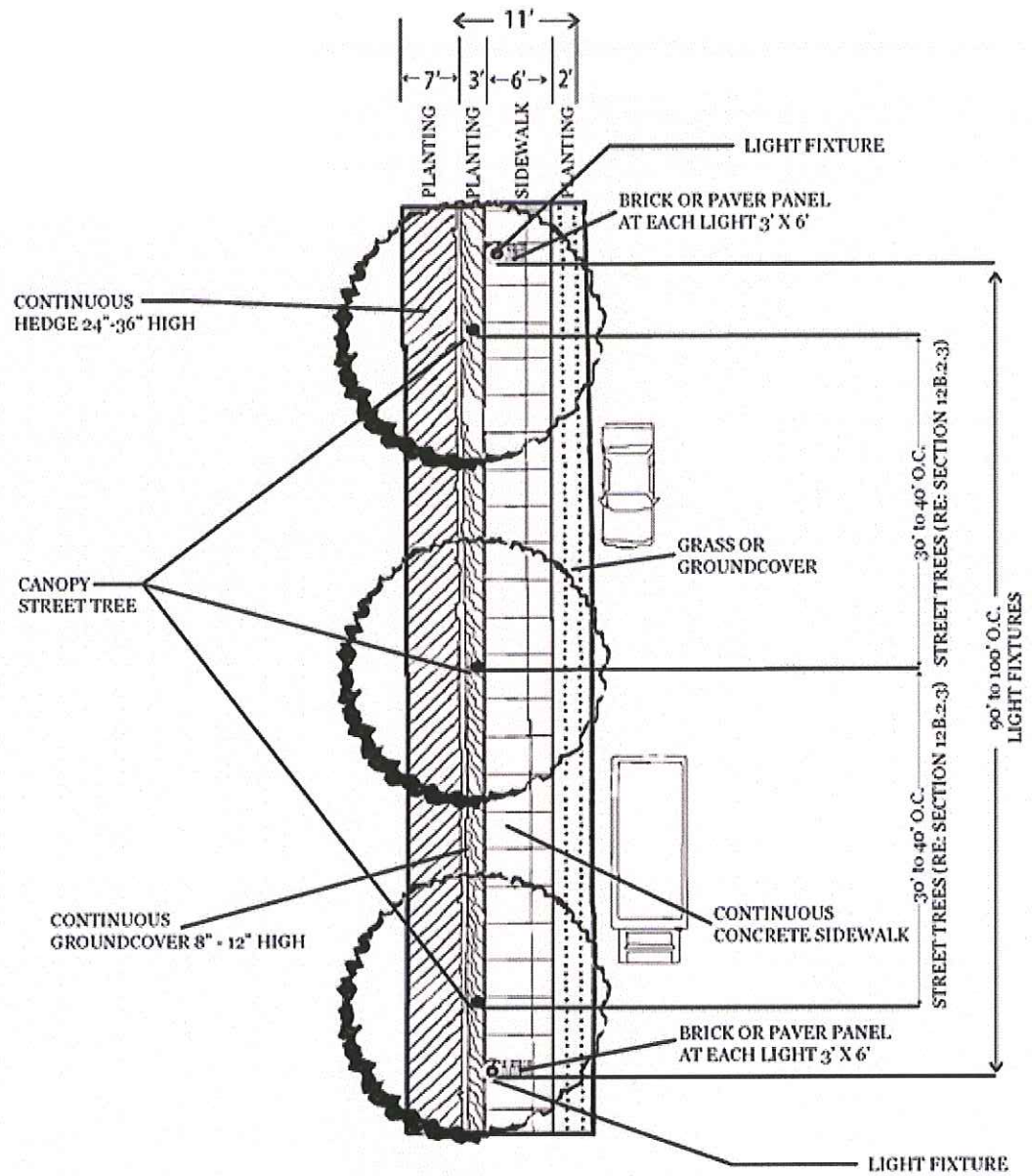


* NOTE:
FIBER OPTIC TRENCH TO BE
REQUIRED PER PUBLIC WORKS



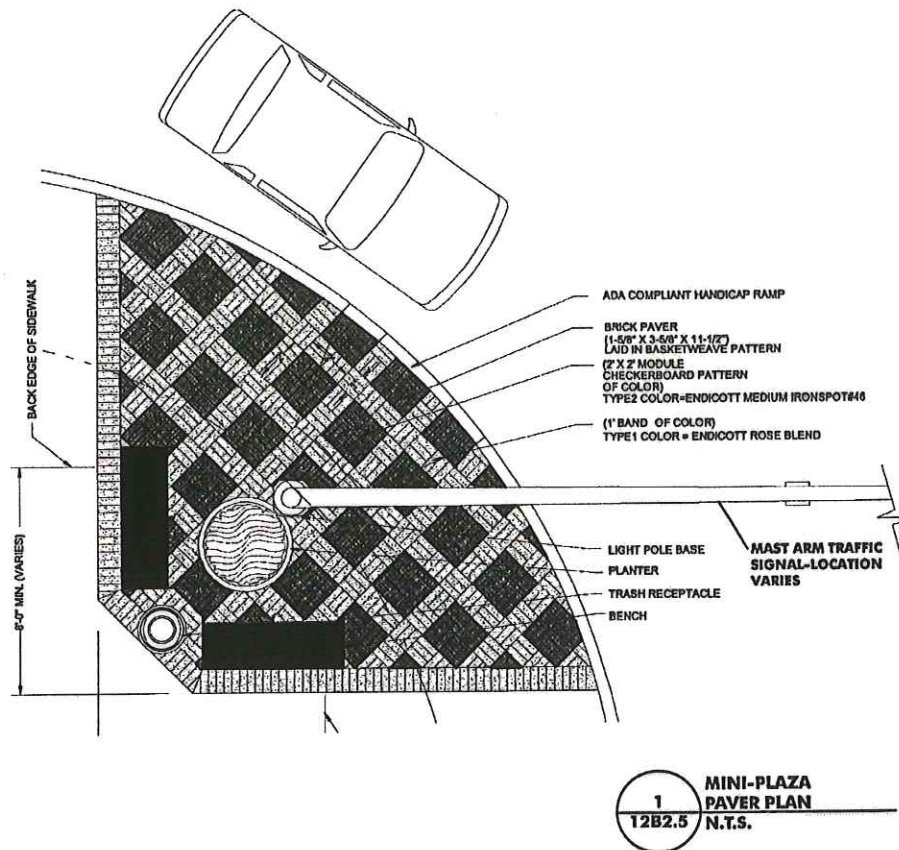
MAIN STREET ZONE
STREETSCAPE DEVELOPMENT
TYPICAL SECTION





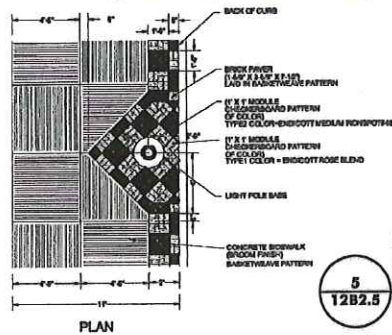
SUBURBAN CORRIDOR ZONE
STREETSCAPE DEVELOPMENT
TYPICAL TREATMENT
N.T.S

Paving Details (Section 12B2.5)

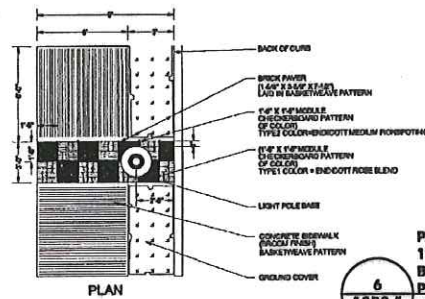


STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

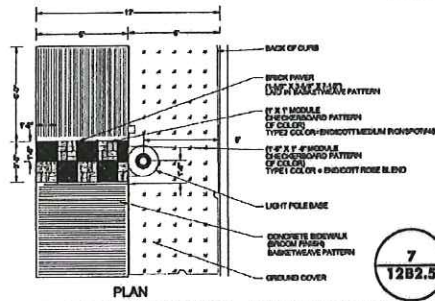
Paving Details (Section 12B2.5)



**PAVER BAND
1'-6\"/>**



**PAVER BAND
1'-6\"/>**



**PAVER BAND
1'-6\"/>**

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Paving Details (Section 12B2.5)

UNIT PAVERS

A. BRICK PAVERS: PEDESTRIAN / VEHICULAR PAVING BRICK CONSISTING OF SOLID UNCORED, UNFROGGED BRICK OF THE FOLLOWING DIMENSIONS: 1-5/8" x 3-5/8" x 11-5/8", COMPLYING WITH THE REQUIREMENTS OF ASTM C 902 FOR THE FOLLOWING END-USE ENVIRONMENT WEATHER AND TRAFFIC, AND APPLICATION METHOD:

1. WEATHER CLASS SX.
2. TRAFFIC TYPE I
3. APPLICATION PS.

B. COLOR: TYPE 1- ENDICOTT ROSE BLEND MODULAR VELOUR TK PAVER
TYPE 2- ENDICOTT MEDIUM IRONSPOT #46 MODULAR VELOUR TK PAVER

PORTLAND CEMENT MORTAR SETTING AND BED MATERIALS:

- A. PORTLAND CEMENT: ASTM C 150, TYPE I OR II
- B. HYDRATED LIME: ASTM C 207, TYPE S
- C. AGGREGATE: MINUS 0.10

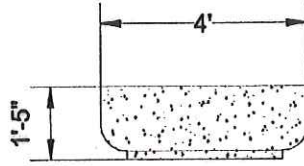
GROUT MATERIALS:

- LATEX PORTLAND CEMENT GROUT: ANSI A118.6, COMPOSITION AS FOLLOWS:
1. PREPACKAGED DRY MORTAR MIX COMPOSED OF PORTLAND CEMENT, GRADED AGGREGATE, COLORED PIGMENT SAND ETHYLENE VINYL ACETATE IN THE FORM OF A RE-EMULSIFIABLE POWDER TO WHICH ONLY WATER IS ADDED AT THE JOB SITE.
 2. WATER: CLEAN, FREE OF MATERIALS DETRIMENTAL TO STRENGTH OF OR BOND OF GROUT.
 3. COLOR: BLUE CIRCLE CRIMSON RED #48B.

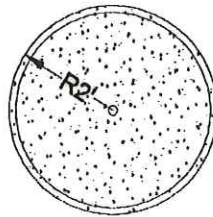


STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Landscape Details (Section 12B2.7)



SIDE VIEW



PLAN VIEW



PLANTER DURA ART STONE INC. (800)821-1120
S-4-D-17-S18-LSB-(3)@1" CENTERED-SAUCERS
ROUND, REINFORCED CAST STONE PLANTERS WITH MATCHING SAUCERS
AND INTEGRAL NON-FADING COLOR

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Landscape Details (Section 12B2.7) (amended 04/21/09, TA09-008, Ord. 2009-04-21)

Acceptable Street Trees

Botanical Name	Common Name	Specifications
Betula nigra 'BMNTF'	Dura-Heat® River Birch	Very good heat tolerance.
Pistache chinensis	Chinese Pistache	Versatile tree for tough urban conditions.
Quercus lyrata 'QLFTB'	Highbeam® Overcup Oak	Upswept branches.
Quercus nuttallii 'QNFTA'	Highpoint® Nuttall Oak	Proclivity for harsh environments.
Quercus shumardii 'QSFTC'	Panache® Shumard Oak	
Quercus phellos 'QPSTA'	Hightower® Willow Oak	
Taxodium distichum 'Sofine'	Autumn Gold Baldcypress	Good urban tolerance.
Ulmus americana 'Varieties'	Princeton', 'Jefferson', Valley Forge' American Elm	Disease resistant varieties of American Elm
Ulmus parvifolia 'UPMTF'	Bosque® Lacebark Elm	Very good urban tolerance.
Zelkova serrata 'ZSFKF'	Myrimar® Zelkova	Heat tolerant selection of Zelkova.
Ginkgo biloba	Ginkgo (Male)	Urban Tolerant
Platanus × acerifolia	London Planetree	Urban Tolerant

Trees for Under Power Lines

Botanical Name	Common Name	Specifications
Acer buergerianum 'ABMTF'	Aeryn® Trident Maple	Good urban tolerance.
Acer ginnala	Amur Maple	
Carpinus betulus	Cornerstone European	
'Cornerstone'	Hornbeam	
Cercis chinensis 'Avondale'	Avondale Chinese Redbud	
Chionanthus virginicus		
'CVSTF' P.P.A.F.	Prodigy® Fringe Tree	Upright form.
Ilex opaca 'East Palatka'	East Palatka Holly	
Lagerstromia indica	Crape Myrtle	
Ilex cornuta 'Burfordii'	Tree Form Burford Holly	
Ilex vomitoria	Tree Form Yaupon Holly	

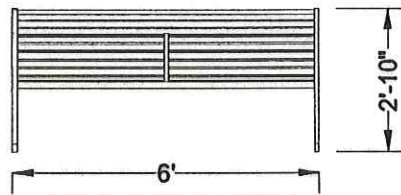
Notes:

1. Other varieties may be approved by the City Arborist
2. Trees listed in Table are not disallowed in all landscape applications, only as Street Trees
3. List not applicable for trees under powerlines which have a height greater than 30'

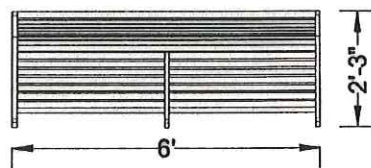
Acceptable Hedge Screen Shrubs

Botanical Name	Common Name	Specifications
Ilex cornuta 'Bufordi Nana'	Dwarf Buford Holly	
Ilex crenata 'Compacta'	Dwarf Japanese Holly	
Ilex crenata 'Helleri'	Heller Japanese Holly	
Nandina domestica 'Compacta'	Dwarf Nandina	
Abelia Hybrida 'Edward Goucher'	Edward Goucher Abelia	
Buxus microphylla	Korean Boxwood	
Juniperus chinensis 'Pfitzeriana Compacta'	Dwarf Pfitzer Juniper	
Prunus laurocerasus 'Schipkaensis'	Schip Laurel	
Rapheolepsis indica	Indian Hawthorn	
Platycladus orientalis 'Aurea Nana'	Breckman's Golden Arbor Vitae	

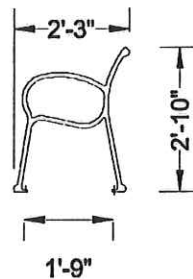
Street Furniture Details - Bench Elevation (Section 12B2.8)



ELEVATION



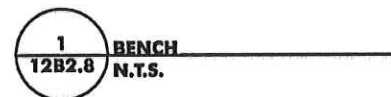
PLAN VIEW



SIDE VIEW

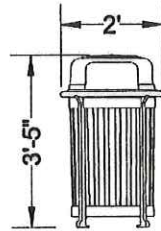
BENCH:

LANDSCAPE FORMS INC. (404)231-0185
SC3005-BS-96 W/ CENTER ARM
HORIZONTAL INSERT, SURFACE MOUNT, RAL 6012 CUSTOM COLOR

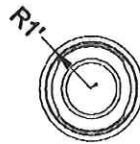


STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Street Furniture Details (Section 12B2.8)



SIDE VIEW



PLAN VIEW



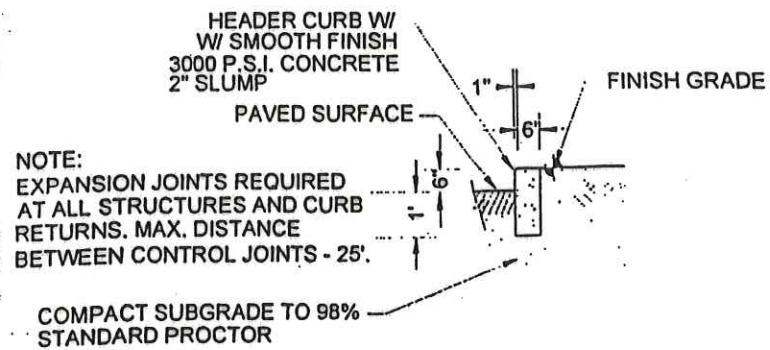
TRASH RECEPTACLE:

HORIZONTAL INSERT, SURFACE MOUNT, RAL 6012 CUSTOM COLOR

LANDSCAPE FORMS INC. (404)231-0185
SC3005-BS-96 W/ CENTER ARM
STRAP DETAIL, SURFACE MOUNT, RAL 6012 CUSTOM COLOR

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Hardscape Details (Section 12B2.9)



STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

5.

Article 28, *Rezoning and Other Amendment Procedures*, Section 28.1, *General Amendments*, of the Sandy Springs Zoning Ordinance is hereby amended and shall read as follows:

- 28.1. GENERAL AMENDMENTS. Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, and after consideration by the City Planning Commission, the City Council may, by resolution, change the regulations set forth in this Zoning Ordinance (text amendment) or amend the City Zoning Map.

In amending the City Zoning Map, the City Council may approve a rezoning petition and/or use permit request or a more restrictive zoning district based on the ranking of City zoning district intensities. The City Council may consider a variance filed concurrently with a rezoning petition and/or use permit request. For purposes of this Article, a rezoning petition shall be deemed to include, if applicable, a variance filed concurrently with a rezoning petition and a use permit request shall be deemed to include, if applicable, a variance filed concurrently with a use permit request.

In approving any rezoning petition and/or use permit request, the City Council shall impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety or general welfare.

Rezoning petitions, use permit requests and/or concurrent variances are sometimes referred to in this text together as land use petitions and the property owner submitting a land use petition is referred to as the petitioner. An approved use permit request is referred to in this text as a use permit. All land use petitions approved by the City Council are subject to conditions approved by the City Council.

6.

Article 28, *Rezoning and Other Amendment Procedures*, Section 28.2, *Land Use Petitions*, of the Sandy Springs Zoning Ordinance is hereby amended and shall read as follows:

- 28.2. LAND USE PETITIONS. Land use petitions may be initiated by the property owner or the City Council on forms included in the Department's land use petition application package available from the Department.

No final action shall be taken on a land use petition affecting the same parcel more often than one (1) time every twelve (12) months when the petition is initiated by the property owner.

At any time, the City Council may initiate a land use petition on property which was previously rezoned; however, a six (6) month waiting period from the date of the final City Council action is required when a land use petition was previously denied.

If a land use petition was previously denied, the petitioner must demonstrate that the proposed land use petition is significantly different from the one previously denied to the satisfaction of the City Council before it can be considered for a re-initiation. A significant difference includes, but is not limited to a change in zoning district, use,

density, height, buffers or other methods of screening, or other items which were discussed at a public hearing.

Appeals to Superior Court.

Any appeal of, or other legal challenge to, a final decision of the City Council regarding a land use petition shall be pursued by petition for writ of certiorari filed with the Superior Court of Fulton County within thirty (30) days of the date of the decision of the City Council in accordance with applicable provisions of Georgia law.

- 28.2.1. FILING DEADLINES. A land use petition, complete in all particulars, shall be submitted in accordance with the advertised filing deadlines. The Director may extend the filing deadline by two (2) days or more, when deemed necessary by the Director, with a letter of explanation from the petitioner justifying the delay of submittal. An incomplete land use petition will not be accepted.
- 28.2.2. WITHDRAWAL PRIOR TO ADVERTISING. If a land use petition has not been advertised for public hearing, a petition may be withdrawn. The petitioner shall submit a written request for withdrawal stating the reason for the request. The request shall be made to and accepted by the Director. No refunds of petition fees will be made.
- 28.2.3. WITHDRAWAL AFTER ADVERTISING. After a land use petition has been advertised for public hearing, it may only be withdrawn by the City Council at the public hearing. A withdrawal shall not be deemed final action and shall not bar submission of a new land use petition. A written request for withdrawal stating the reason for the request shall be made to the Director.
- 28.2.4. LAND USE PETITION REQUIREMENTS. In order to be accepted by the Department, all land use petitions shall include the following with the required number of copies of each as prescribed by the Director:
- a. Pre-petition review form;
 - b. Signed and notarized petition with original signatures;
 - c. Legal description;
 - d. Letter of intent;
 - e. Site plan which meets the requirements specified in Article 28.5.2;
 - f. Site plan checklist which indicates compliance with site plan requirements specified in Section 28.5.2;
 - g. Environmental Site Analysis, as described in Section 28.4.3.1;
 - h. 8 ½" x 11" site plan;
 - i. Zoning impact analysis for rezoning petitions, as described in Section 28.4.1;
 - j. Disclosure form;
 - k. Public Participation Plan, as described in Section 28.4.7;
 - l. Public Participation Report, as described in Section 28.4.7;
 - m. Traffic Impact Study, as described in Section 28.4.4, if applicable;
 - n. Metropolitan River Protection Act pre-preview letter, if applicable;
 - o. MARTA corridor plan review form, if applicable;
 - p. Development of regional impact review form, if applicable;
 - q. Environmental Impact Report, as described in Section 28.4.3.2, if applicable;
 - r. Other documents as identified in the pre-petition review; and

- s. Non-refundable filing fee.
- t. For properties located in the Sandy Springs Overlay District, land use petitions shall also be accompanied by building material samples and schematic plan sets detailing at a minimum:
 - 1. Building elevations for each side of the building(s) indicating building heights, fenestration, roof or parapet design, exterior materials and colors.
 - 2. A basic floor plan shall also be provided showing the perimeter walls and fenestration, loading areas, etc.

7.

Article 28, *Rezoning and Other Amendment Procedures*, Section 28.3, *Public Hearing and Notice Requirements*, of the Sandy Springs Zoning Ordinance is hereby amended and shall read as follows:

28.3. PUBLIC HEARING AND NOTICE REQUIREMENTS.

28.3.1. PUBLIC NOTICE REQUIREMENTS. Notice of the City Planning Commission and the City Council hearings shall be given simultaneously at least fifteen (15) days but not more than forty-five (45) days prior to the date of the City Council public hearing and shall be published in a newspaper of general circulation. Re-notification is not required when a land use petition is deferred by the City Council.

- a. Sign Posting. The petitioner or his/her agent shall post a sign as issued by the Department in a conspicuous location on each public street frontage of the subject property not later than 8:30 a.m. on the 20th day prior to the City Planning Commission hearing.

The sign shall be mounted and posted as specified by the Department. Property that is not posted as required will be administratively removed from the agenda.

When the City Council defers a land use petition, the petitioner is required to post an updated sign with new hearing dates twenty (20) days prior to the next scheduled hearing date. When a land use petition is deferred by the City Council for less than twenty (20) days, posting an updated sign is not required.

It is the petitioner's responsibility to remove or cause to be removed any public notice sign required to be posted pursuant to this Article. If any sign required by this Article to be posted by the petitioner is not removed within forty-eight hours of final action on the applicable land use petition, it shall constitute a violation of this Article and the Director shall issue a citation. Any violation of this Article shall be an offense and the violator shall be subject to the penalty provisions set forth in Article XXIX.

The failure of a petitioner or agent on two (2) consecutive occasions to post notice as provided in this Section in connection with a petition shall be considered willful disregard of the petitioner's obligation to comply with this Zoning Ordinance. In such event, the petition shall be denied and shall be subject to all provisions herein relating to denied petitions.

- b. Notice by Mail. The Department shall give notice by regular mail to all property owners within three hundred (300) feet of the boundaries of the subject property who appear on the Fulton County tax records as retrieved by the City's Geographic Information System (GIS). The notices shall be mailed a minimum of fifteen (15) days prior to the hearing date. Re-notification by mail is not required when a land use petition is deferred by the City Council.

The published and mailed notices shall contain the time, place, and purpose of the scheduled hearing, the location of the property, and the present and proposed zoning classifications and/or use permit requested. The posted sign shall include all of the items required in the published notice except the location of the property. Notice shall not be considered inadequate if the mail is not delivered.

- 28.3.2. PUBLIC HEARING REQUIREMENTS. Before adopting any change to the City Zoning Map or text of the Zoning Ordinance, the City Council shall hold a public hearing following the public hearing by the City Planning Commission where a recommendation was made on the land use petition.

Any public hearing required by this Article shall be called and conducted in accordance with the following procedures. For purposes of this Section, the term "hearing body" shall refer to both the Mayor and City Council and the City Planning Commission. Nothing contained in this Section shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

- a. Presiding Officer. The presiding officer shall preside over the respective public hearing. In the case of the Mayor and City Council, the Mayor shall preside, or in the absence of the Mayor, the Mayor Pro Tempore. In the absence of both the Mayor and Mayor Pro Tempore, another member of the City Council shall be designated to preside over the public hearing. In the case of the City Planning Commission, the chairman shall preside, or in the absence of the chairman, the vice chairman, if designated. If neither is present to preside, another member of the City Planning Commission shall be designated to preside.
- b. Opening of Public Hearing. The presiding officer shall indicate that a public hearing has been called on one or more land use petitions made pursuant to this Article and shall open the public hearing. Thereupon, the presiding officer shall call the first case and the hearing body shall consider each land use petition on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding officer may at his/her discretion call and consider more than one (1) land use petition simultaneously when more than one (1) land use petition involves the same piece of property, and when proceedings would be efficiently completed by combining the hearing and discussion on more than one (1) scheduled matter.
- c. Report of the Director. Upon opening the public hearing, the presiding officer shall recognize the Director or his/her designee, or other agents or representatives of the City, who shall provide a summary of the land use petition and present any recommendations or results of investigations. In the case of public hearings before the Mayor and City Council, the Director or his/her designee shall also provide a written summary of the recommendations made by the City Planning

Commission. Any member of the hearing body upon recognition by the presiding officer may ask questions of the Director or his/her designee or other City representative providing the report or recommendations.

A limited supply of copies of findings of the initiating party, Director, and City Planning Commission shall be available at the hearing or meeting and available on request to interested members of the public in accordance with O.C.G.A. § 36-67-3.

- d. Petitioner. Following the report of the Director or his/her designee, the presiding officer shall recognize the petitioner or his/her agent, spokesperson, or each of them, who shall present and explain the land use petition within the permitted time. There shall be a maximum time period of ten (10) minutes per land use petition at the public hearing for the proponents to present data, evidence, and opinions; however, the City shall not be obligated to provide the full ten (10) minutes period to the proponents if they elect not to use that much time. Upon motion by a member of the hearing body and upon approval of the entire hearing body, the time allotted to the petitioner or his/her agent or spokesperson for presentation and explanation of the land use petition may be extended.

Any member of the hearing body upon recognition by the presiding officer may ask questions of the petitioner or agent of the petitioner, or both.

- e. Public. At the conclusion of the petitioner's presentation, the presiding officer shall initiate the public comment portion of the public hearing. The presiding officer may ask for identification of those persons who wish to appear as opponents of the land use petition. If it appears that the number of persons opposing the land use petition is in excess of that which may reasonably be heard, the presiding officer may suggest that a spokesperson for the group be chosen to make presentations within the permitted time. There shall be a maximum time period of ten (10) minutes per land use petition at the public hearing for the opponents to present data, evidence, and opinions; however, the City shall not be obligated to provide the full ten (10) minute period to the opponents if they elect not to use that much time. Upon motion by a member of the hearing body and upon approval of the entire hearing body, the time allotted to opponents of the land use petition or their spoke person may be extended.

Prior to speaking, each speaker will identify himself/herself and state his/her current address. Any person refusing to identify himself/herself may be refused the right to address the hearing body. Each speaker shall speak only to the merits of the proposed land use petition under consideration and shall address his/her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed land use petition under consideration. The presiding officer may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this procedure.

Any member of the hearing body, upon recognition by the presiding officer, may ask questions of the person giving testimony.

- f. Petitioner's Rebuttal. At the conclusion of public testimony, or upon the expiration of time allotted for public testimony, the petitioner or his/her agent, or both, shall be allowed a short opportunity for rebuttal and final comment, and the time devoted to any rebuttal shall be counted toward the time allotted to the petitioner under paragraph d. above. Any member of the hearing body upon recognition by the presiding officer may ask questions of the petitioner, his/her agent, or both.
- g. Close of Hearing. After the above procedures have been completed, the presiding officer will indicate that the public hearing is closed. Upon the closing of the public hearing, the petitioner or his/her agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, that at any time considered appropriate the presiding officer may reopen the public hearing for a limited time and purpose for members of the hearing body to ask questions of the proponents or opponents of the land use petition.
- h. Decision. After the public hearing is closed, the hearing body shall deliberate and subsequently vote on the land use petition. The City Planning Commission shall move to recommend one of the following actions to the Mayor and City Council:
1. Approval
 2. Approval with conditions
 3. Denial
 4. Withdrawal; or
 5. Deferral and remand to the City Planning Commission

Should the City Planning Commission fail to pass a motion as set forth in subsections 1. through 5. above during the meeting at which the land use petition is scheduled, such land use petition shall automatically be forwarded to the Mayor and City Council for consideration with the failure to pass a motion being deemed a recommendation for deferral from the City Planning Commission.

A recommendation by the City Planning Commission to the Mayor and City Council for deferral and remand to the City Planning Commission shall not delay the land use petition from being considered at the advertised public hearing before the Mayor and City Council, nor does it prohibit the Mayor and City Council from taking a final action on the subject land use petition.

The Mayor and City Council may move to approve, approve with conditions, deny, withdraw, or defer and remand to the City Planning Commission. A deferral and remand to the City Planning Commission by the Mayor and City Council requires the posting of an updated sign consistent with this Article.

8.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

9.

Severability. Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

10.

Repeal of Conflicting Provisions. It is the intention of the Mayor and City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

11.

This Ordinance is effective March 4, 2014; and

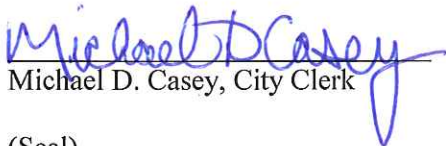
APPROVED AND ADOPTED this the 4th day of March, 2014.

Approved:



Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)

